

# STRATEGIC DEVELOPMENT COMMITTEE

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Thursday, 23 March 2017 at 7.00 p.m.  
Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG

The meeting is open to the public to attend.

**Members:**

Chair: Councillor Marc Francis

Vice Chair : Councillor Danny Hassell

Councillor Asma Begum, Councillor Helal Uddin, Councillor Julia Dockerill, Councillor Md. Maium Miah, Councillor Gulam Robbani and Councillor Shafi Ahmed

**Substitutes:**

Councillor Amina Ali, Councillor Muhammad Ansar Mustaquim, Councillor John Pierce, Councillor Oliur Rahman, Councillor Chris Chapman, Councillor Andrew Wood, Councillor Shah Alam and Councillor Rabina Khan

[The quorum for this body is 3 Members]

**Public Information.**

The deadline for registering to speak is **4pm Tuesday, 21 March 2017**

Please contact the Officer below to register. The speaking procedures are attached

The deadline for submitting material for the update report is **Noon Wednesday, 22 March 2017**

**Contact for further enquiries:**

Zoe Folley, Democratic Services,

1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG

Tel: 020 7364 4877

E-mail: [Zoe.Folley@towerhamlets.gov.uk](mailto:Zoe.Folley@towerhamlets.gov.uk)

Web: <http://www.towerhamlets.gov.uk/committee>

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## Public Information

### **Attendance at meetings.**

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

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## **APOLOGIES FOR ABSENCE**

### **1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)**

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

### **2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 12)**

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 16 February 2017.

### **3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 13 - 14)**

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
- 3) To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.

<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
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### **4. DEFERRED ITEMS**

None.

<b>5.</b>	<b>PLANNING APPLICATIONS FOR DECISION</b>	<b>15 - 16</b>	
<b>5 .1</b>	<b>Leven Wharf (known as Glaucus Works), Leven Road, London, E14 0LP (PA/16/02140) (corrected reference)</b>	<b>17 - 60</b>	<b>Lansbury</b>
	Proposal:		
	Demolition of existing buildings and redevelopment of site to provide a part 7, part 11 storey mixed use building with basement parking to provide 291sqm of commercial space (A1/A2/A3/A4, B1(a), D1 Use Classes) together with 160 residential units with associated landscaping, children's play facilities and public riverside walkway.		
	(Alterations to the development approved under planning permission PA/13/03053 including a two-storey extension to Block A and a single-storey extension to Block B to provide 34 additional residential units and all associated works).		
	Recommendation:		
	That the Committee resolve to GRANT planning permission, subject to any direction by the Mayor of London, the prior completion of a legal agreement to secure planning obligations, and the conditions and informatives in relation to the matters set out in the Committee report		
<b>5 .2</b>	<b>10 Bank Street, London, E14 (Eastern part of the site known as Heron Quays West) (PA/16/02956)</b>	<b>61 - 104</b>	<b>Canary Wharf</b>
	Proposal:		
	Construction of a building of 166m AOD comprising 124,734sqm (GIA) of office (Use Class B1) and 293sqm (GIA) of retail (Use Class A1-A5) along with a decked promenade to the West India Dock South, access and highways works, landscaping and other associated works.		
	Recommendation:		
	That the Committee resolve to GRANT planning permission subject to any direction by the London Mayor, the prior completion of a legal agreement, conditions and informatives.		

**6. OTHER PLANNING MATTERS**

**105 - 106**

**6.1 Proposed Revised Planning Code of Conduct**

**107 - 132**

The Committee is recommended to:

1. Note the revised Planning Code of Conduct in Appendix 1 of the report;
2. Note that pursuant to Part 1 Paragraph 4.02 of the Constitution the adoption and amendment of the revised Planning Code of Conduct is a matter for Council; and
3. Comment generally on the revised Planning Code of Conduct so that these comments can be reflected prior to the revised Code being put forward for adoption.

**Next Meeting of the Strategic Development Committee**

Tuesday, 25 April 2017 at 7.00 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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# Agenda Item 1

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

### **Interests and Disclosable Pecuniary Interests (DPIs)**

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

**Further advice**

For further advice please contact:-

Graham White, Acting Corporate Director of Law Probity and Governance and Monitoring Officer,  
Telephone Number: 020 7364 4801



## APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON THURSDAY, 16 FEBRUARY 2017**

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Marc Francis (Chair)  
Councillor Denise Jones  
Councillor Helal Uddin  
Councillor Gulam Robbani  
Councillor Shafi Ahmed  
Councillor John Pierce (Substitute for Councillor Asma Begum)  
Councillor Andrew Wood (Substitute for Councillor Julia Dockerill)

**Other Councillors Present:**

Councillor David Edgar  
Councillor Peter Golds

**Apologies:**

Councillor Asma Begum  
Councillor Danny Hassell  
Councillor Julia Dockerill

**Officers Present:**

Jerry Bell	(East Area Manager, Planning Services, Place)
Beth Eite	(Team Leader, Planning Services, Place)
Piotr Lanoszka	(Principal Planning Officer, Place)
Brett McAllister	(Planning Officer, Place)
Marcus Woody	(Legal Advisor, Legal Services, Governance)
Zoe Folley	(Committee Officer, Governance)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of interests were made.

## **2. MINUTES OF THE PREVIOUS MEETING(S)**

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 19<sup>th</sup> January 2017 be agreed as a correct record and signed by the Chair.

## **3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE**

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision
- 3) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

## **4. DEFERRED ITEMS**

None.

## **5. PLANNING APPLICATIONS FOR DECISION**

### **5.1 562 Mile End Road & 1a, 1b, 1c Burdett Road (PA/16/00943)**

Update report tabled.

Jerry Bell, (East Area Manager, Planning Services), introduced the application for the demolition of existing buildings and construction of a mixed use development comprising part 3-storey, part 8-storey and part 15-storey building residential led building.

The Chair invited registered speakers to address the meeting.

Nigel Whitfield, Tom Kaneko, Ms M. McGinley, Councillor Peter Golds and Councillor David Edgar (Ward Councillor) addressed the Committee in objection to the application.

The speakers objected to the height of the proposal and its scale. It was too large for and did not relate well with the context of the area given the mid - rise nature of the street scape. Therefore, it would have an overbearing and oppressive affect on the area and would set a precedent for future developments. It also conflicted with the policy in respect of these matters. In addition, the density was twice that recommended in the London Plan for the site.

They also objected to the poor design. This would exacerbate the above issues and would not offset the impact of the height. They also questioned the quality of the affordable housing given the air quality issues, the demand for the retail space, the lack of parking and assessable wheelchair spaces for the development, the servicing provision and the pollution issues. Concern was also expressed about the loss of the existing night club. This was a unique club that had been there many years. It was understood that the owner wished to continue with its operation and its relocation should be secured as part of the S106 agreement.

They also expressed concern about the construction costs of building over the LUL infrastructure. It was felt that this could potentially impact on the viability of the application meaning less affordable housing could ultimately be delivered.

The proposal would also overshadow gardens. Insufficient consideration had been given to this in the Committee report.

In response to questions from Members about the consultation, it was reported that a public consultation meeting was held in 2013. It was also reported that access to the site and parking around the site was already very restricted. The proposal would make this much worse. The speakers also stressed the need for the club to be relocated and commented on the features of the premises. In response to further questions, they described the location of the gardens that would be affected by the proposal, and clarified the concerns about the height and design.

Richard Evans (Applicant's agent) Catriona O'Meara and Josephine Roscoe addressed the Committee in support of the application.

The plans were a product of substantial amount of discussions with both LBTH and the GLA. The plans would regenerate the site and would deliver: a number of benefits in terms of new housing and commercial space amongst other features. The proposal would maximise the housing potential of the site in accordance with the London Plan in a transport hub. So the overall density could be accommodated on the site. In relation to the nightclub, the applicant had expressed a commitment to securing a new premises for the occupants

given its planning status, and were happy for them to continue to operate in the premises for the next 12 months.

The plans would preserve neighbouring amenity due to the separation distances. There would be biodiversity enhancements, wind mitigation measures and the air quality levels fell within the permitted range. The design, that had been informed by the site constraints, would respond well to the area. The massing and height had been reduced to fit in better with the area. Whilst there would be some impact on heritage assets, it was considered that the public benefits of the application would outweigh this. The accommodation would be of a high quality. The development would be car free but there would be a wheelchair assessable space.

In response to questions from the Committee, the speakers provided further reassurances about the height and density of the plans and the consultation. They also explained the difficulties in retaining the nightclub at the site due to its incompatibility with the proposed residential use.

In response to further questions, the speakers highlighted the quality of the proposed new commercial space and expressed optimism about their marketability. It was also explained that the scheme included dedicated play space in the form of separate terraces for the private and affordable units. Access to which was a management issue. Whilst a number of the units would have balconies overlooking Burdett Road (contrary to the Air Quality Officers advice), on balance, it was considered that the benefits in terms of the provision of private amenity space would outweigh any concerns. It was required that plans be submitted to demonstrate the feasibility of building over the LUL infrastructure. There had been ongoing discussion with LUL about the plans.

Brett McAllister, (Planning Services) presented the report explaining the site location, and the character of the area, serviced by good transport links. He explained the key features of the application drawing attention to the quality of the design, the layout, the standard of accommodation and the policy compliant level of affordable housing, the terrace play space and contributions for Mile End Park. Consultation had been carried out resulting in 90 representations in objection and 1 in support.

Turning to the assessment, the provision of good quality residential units in a transport hub was a key priority. An agreement had been reached to allow the night club to temporarily stay at the premises and for it ultimately to be relocated. Whilst the height of the building would exceed that of the surrounding buildings, it had been carefully designed to relate well to the area and would provide a landmark building. The building would cause some harm to the setting of heritage assets. Overall it was considered that this would be less than substantial and that the public benefits of the application would outweigh this. There would be mitigation to preserve neighbouring amenity and the neighbouring properties would broadly continue to receive adequate light. The Committee were also advised of the transport and highway issues.

Given the benefits of the application, Officers were recommending that it was granted planning permission.

In response, the Committee asked questions about the loss of the club and why this was considered acceptable. Officers felt that it could invite a conflict with the residential use in terms of the amenity impact. It was also explained that the relocation of the taxi business was a commercial matter given its lack of planning status.

The Committee also questioned the adequacy of the servicing arrangements given the scale of the residential development. It was confirmed that the servicing would take place from an existing servicing bay near the site. Highway Services had no objection to the plans.

The Committee also asked about the plans to build over the LUL infrastructure. Assurances were sought about the safety of this. It was noted that a condition would be attached to the permission dealing with this in a similar fashion to those attached to other developments involving such work.

Members also sought assurances about the air quality measures, particularly the coverage of the mechanical ventilation system. It was confirmed that there would be a condition ensuring that the system would cover all of the units requiring the system.

The Committee also questioned the density of the application given it exceeded the recommended range in policy for the site. In response, Officers advised that given the sites attributes (the good transport links and access to services), the application met the criteria in policy for exceeding the density range. The proposal lacked any symptoms of overdevelopment and the amenity impacts were minimal for a taller development. The development would maximise the housing development potential of the site in line with policy.

In response to further questions, Officers provided assurances about the impact on gardens from the development, fire safety issues, the quality of the entrances to the affordable and the private houses, the CIL contributions and the commercial units.

At the conclusion of the discussion, Members expressed concern about the height massing, bulk and the design and impact of this on the townscape. It was also considered that the plans showed symptoms of overdevelopment due to the density. The impacts on Beckett Court and 564 Mile End Road was evidence of this. Members also expressed concern about the highway issues, in terms of the road access and servicing issues. It was also commented that it would be premature to go ahead with the plans without further guarantees from LUL. Concern was also expressed about the air quality issues particularly in relation to the proposed balconies and the loss of the night club.

On a vote of 0 in favour of the Officer recommendation to grant planning permission and 6 against, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be not accepted (for the reasons set out below) and on a vote of 6 in favour and 0 against the Committee **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at 562 Mile End Road & 1a, 1b, 1c Burdett Road for the demolition of existing buildings and construction of a mixed use development comprising part 3-storey, part 8-storey and part 15-storey building, 52 residential units, 760sqm (GIA) commercial floorspace (A1, A2 & B1), landscaping, public realm improvements, access and servicing (including 1 disabled car parking space; 107 cycle parking spaces; and associated highway works) and other associated infrastructure (PA/16/00943)

The Committee were minded to refuse the application due to concerns over:

- Height, bulk and massing and the impact on the townscape.
- Density and overdevelopment of the site.
- The servicing provision.
- Loss of the community facility.
- Design of the proposal.
- Air quality issues.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision

Councillor Gulam Robbani could not vote on this application having not been present from the beginning of the Committee's consideration of the application.

## **5.2 10 Whitechapel High Street, E1 8DX (PA/16/02250)**

Update report tabled.

Jerry Bell (East Area Manager, Planning Services) introduced the application for the change of use of part of ground floor, part first floor, Basement 1 and Basement 2 from B1 (including ancillary floorspace), and Professional driver training / testing facility to a Sui Generis cultural facility and other associated works.

Beth Eite (Planning Services) presented the application describing the site and surrounds. It was reported that the Sui Generis use would include a mixture of different uses including exhibition space, office and conference facilities.



In addition to this, the application sought the construction of a new two storey extension fronting Mansell Street. This proposal was identical to the application that had been previously consented save for the inclusion of the Sui Generis use.

The application also included changes to the façade of the building including the provision of a raised terrace to be used as a seating area. This would overlook Braham Street Park and ensure constant surveillance of the park. Consultation had been carried out on the proposal and no representations in objection had been received.

Whilst the loss of office space in a Preferred Office Location was normally resisted, it was considered that in this case, there were special circumstances justifying the loss of such use given the deficiencies with the basement space and that the proposal would enable the building to be brought back into active use and would generate employment.

Furthermore, it was considered that the impacts in terms of residential amenity including that from the cultural facility (that could open until 1am) would be acceptable given the lack of residential units near the premises and that the site fell in the Central Activities Zone where night time economy was directed to.

Given the benefits of the application, Officers were recommending that it was granted planning permission.

On a unanimous vote, the Committee **RESOLVED:**

1. That planning permission be **GRANTED** at 10 Whitechapel High Street, E1 8DX for

Change of use of part of ground floor, part first floor, Basement 1 and Basement 2 from B1 (including ancillary floorspace), and Professional driver training / testing facility for a vehicle hire company use (D1) to a Sui Generis cultural facility including exhibition space, event space, office, retail and restaurant uses

Alterations and extension to the existing lean-to element that forms part of the west elevation of the building and works to realign and resurface the existing ramp and stairs in connection with improvements to the access of the basement and all ancillary and associated works.

Minor alterations to north and south elevations of the building including a new access ramp(PA/16/02250).

2. Subject to the prior completion of a S106 legal agreement to secure the planning obligations in the Committee report.

3. That the Corporate Director of Place is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
4. That the Corporate Director of Place is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out in the Committee report.

The meeting ended at 9.10 p.m.

Chair, Councillor Marc Francis  
Strategic Development Committee

## Guidance for Development Committee/Strategic Development Committee Meetings.

### Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters.  This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> <li>• Three minutes for one objector speaking.</li> <li>• Six minutes for two objectors speaking.</li> <li>• Additional three minutes for any Committee and non Committee Councillor speaking in objection.</li> </ul>
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

### What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) under Council Constitution, Part.4.8, Development Committee Procedural Rules.

### What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

**How will the applications be considered?**

The Committee will normally consider the items in agenda order subject to the Chair’s discretion. The procedure for considering applications for decision shall be as follows:  
 Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

**How can I find out about a decision?**

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council’s website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p><b>Deadlines.</b>                  To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages.                  Visit <a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a> - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 Scan this code to view the Committee webpages.
<p><b>The Rules of Procedures for the Committee are as follows:</b></p> <ul style="list-style-type: none"> <li>• Development Committee Procedural Rules - Part 4.8 of the Council’s Constitution (Rules of Procedure).</li> <li>• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council’s Constitution (Responsibility for Functions).</li> <li>• Terms of Reference for the Development Committee - Part 3.3.4 of the Council’s Constitution (Responsibility for Functions).</li> </ul>	 Council’s Constitution

# Agenda Item 5

<b>Committee:</b> Strategic Development	<b>Date:</b> 23 March 2017	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

## 2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

## 3. ADVICE OF HEAD OF LEGAL SERVICES

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
- the London Plan 2011
  - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
  - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

### LOCAL GOVERNMENT ACT 2000 (Section 97)

#### LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
See Individual reports	✓	See Individual reports

- 
- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.8 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### **4. PUBLIC SPEAKING**

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at the previous Agenda Item .

#### **5. RECOMMENDATION**

- 5.1 The Committee to take any decisions recommended in the attached reports.

# Agenda Item 5.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 23 <sup>rd</sup> March 2017	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Place	<b>Title:</b> Application for Planning Permission
<b>Case Officer:</b> Chris Stacey-Kinchin	<b>Ref No:</b> PA/16/02140 (corrected reference)
	<b>Ward:</b> Lansbury

## 1.0 APPLICATION DETAILS

**Location:** Leven Wharf (known as Glaucus Works), Leven Road, London, E14 0LP

**Existing Use:** Derelict (former industrial metal galvanising works (B2 Use Class))

**Proposal:** Demolition of existing buildings and redevelopment of site to provide a part 7, part 11 storey mixed use building with basement parking to provide 291sqm of commercial space (A1/A2/A3/A4, B1(a), D1 Use Classes) together with 160 residential units with associated landscaping, children's play facilities and public riverside walkway.

(Alterations to the development approved under planning permission PA/13/03053 including a two-storey extension to Block A and a single-storey extension to Block B to provide 34 additional residential units and all associated works).

**Drawings and documents:** Existing Site Survey, T(10)P00, Rev P1  
Site Location Plan, T(90)P00, Rev P1  
Proposed Lower Ground Floor Plan, 190-PA-01, Rev D  
Proposed Upper Ground Floor Plan, 190-PA-02  
Proposed First Floor Plan, 190-PA-03  
Proposed Second Floor Plan, 190-PA-04  
Proposed Third Floor Plan, 190-PA-05  
Proposed Fourth Floor Plan, 190-PA-06  
Proposed Fifth Floor Plan, 190-PA-07  
Proposed Sixth Floor Plan, 190-PA-08  
Proposed Seventh Floor Plan, 190-PA-09  
Proposed Eighth Floor Plan, 190-PA-10  
Proposed Ninth Floor Plan, 190-PA-11  
Proposed Tenth Floor Plan, 190-PA-12  
Proposed Eleventh Floor Plan, 190-PA-13  
Proposed Sections, 190-PA-014  
Proposed Sections, 190-PA-015

Proposed Block A North & East Elevations,  
190-PA-016  
Proposed Block B South & North Elevations,  
190-PA-017  
Proposed Block A South & West Elevations,  
190-PA-018  
Detail Elevation, 190-PA-019  
Section Through Ramp Entrance, 190-PA-020  
Block A Intermediate Flat Layout, 190-PA-21, Rev A  
Block A Intermediate Flat Layout, 190-PA-22, Rev A  
Block A Intermediate Flat Layout, 190-PA-23, Rev A  
Block A Wheelchair Accessible Layout, 190-PA-24,  
Rev A  
Block A Intermediate Flat Layout, 190-PA-25  
External Area Schedule, 190-PA-30, Rev B  
Proposed Partial South Elevation Block B, PL-508,  
Rev E  
Block A Wheelchair Accessible Layout, T70D02, Rev P4  
Block B Wheelchair Accessible Layout, T70D05, Rev P3  
Block B Wheelchair Accessible Layout, T70D06, Rev P3  
Block B Wheelchair Accessible Layout, T70D07, Rev P3  
Block B Wheelchair Accessible Layout, T70D08, Rev P3  
Block B Social Rent Flat Layout, T70D09, Rev P1  
Block B Social Rent Flat Layout, T70D10, Rev P1  
Block B Social Rent Flat Layout, T70D11, Rev P1  
Block B Affordable Rent Flat Layout, T70D12  
Block B Affordable Rent Flat Layout, T70D13  
Block B Social Rent Flat Layout, T70D14, Rev P1  
Block B Affordable Rent Flat Layout, T70D15, Rev P1  
Block B Affordable Rent Flat Layout, T70D16, Rev P1  
Block B Intermediate Rent Flat Layout, T70D18, Rev P1  
Block B Intermediate Rent Flat Layout, T70D19, Rev P1  
Block A Intermediate Flat Layout, T70D20  
Block A Intermediate Flat Layout, T70D21  
Block A Intermediate Flat Layout, T70D22  
Accommodation Schedule Block A, BMA-33-001 Rev C  
Accommodation Schedule Block B, BMA-33-002 Rev F  
Air Quality Assessment, February 2017  
Daylight and Sunlight Assessment, May 2016  
Design and Access Statement, December 2013  
Design and Access Statement Addendum, July 2016  
Energy Statement – Revised 15.12.16  
Financial Viability Assessment, August 2016  
Flood Risk Assessment, November 2013  
Historic Environment / Archaeological Appraisal,  
November 2013  
Housing SPG Compliance Schedule



Interim Travel Plan – November 2016  
 Land Contamination Assessment, September 2013  
 Noise Assessment, October 2016  
 Phase 1 Habitat Survey, November 2013  
 Planning Statement, July 2016  
 Servicing Management Strategy, May 2014  
 Socio-Economic Assessment, December 2013  
 Socio-Economic Assessment: Update Note  
 Statement of Community Involvement, December 2013  
 Structural Review River Wall, February 2014  
 Sustainability Statement – Revised 15.12.16  
 Transport Statement, November 2016  
 TV & Radio Reception Survey, December 2013  
 Waste Management Strategy, Feb 2017  
 Wind Impact Assessment, November 2013

**Applicant:** Leven Wharf Ltd

**Ownership:** Leven Wharf Ltd

**Historic Building:** N/A

**Conservation Area:** N/A

## 2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Strategic Development Committee as the proposed development involves the erection of a building which exceeds 30 metres in height.
- 2.2 This application has been considered against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (2016) and the National Planning Policy Framework and all other material considerations.
- 2.3 The planning application is for the demolition of the existing disused metal galvanising works and the erection of two physically linked buildings of 11 storeys (Block A) and 5/7 storeys (Block B) respectively to provide 160 residential units and a single ground floor commercial unit of 291sqm in size.
- 2.4 Officers consider that the introduction of a residential-led mixed use development in this location is acceptable, as such a development is compatible with both its designations (in regional and local spatial planning documents) and relevant planning policy.
- 2.5 The proposed design of the amended scheme is considered to be acceptable in terms of its layout, height, scale and massing, features a high quality material palette along with high quality landscaping, and also has been designed in accordance with Secure by Design principles. As such officers can conclude that the application is acceptable in design terms.

- 2.6 Officers consider that as the proposal does not demonstrate symptoms of overdevelopment, provides the maximum viable level of affordable housing as well as a suitable mix of housing (including accessible housing), which is of a high standard, the application can be considered acceptable in housing terms.
- 2.7 The proposal would not adversely impact the amenity of surrounding residents and building occupiers, and would also afford future occupiers of the building a suitable level of amenity in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.
- 2.8 The proposal would not have a significant adverse impact upon the local highway and public transport network, would provide suitable parking arrangements, and would be serviced in a manner which would not adversely impact the local highway network.
- 2.9 Officers consider that the proposed refuse strategy for the site is acceptable as the refuse stores are located in convenient locations, are of suitable sizes and have been designed with the Council's waste management hierarchy of reduce, reuse and recycle in mind, in accordance with policy SP05 (1) of the Core Strategy (2010) and policy DM14 (2) of the Managing Development Document (2013).
- 2.10 Officers consider that the proposed energy strategy for the site is acceptable as the proposal has been designed in compliance with the London Plan energy hierarchy, is to provide CO2 emission reductions over and above the building regulation 2010 baseline, and has been designed to be BREEAM 'Excellent' in accordance with policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development Document (2013).
- 2.11 Officers consider that the proposal is acceptable in air quality, biodiversity contaminated land, flood risk and SUDS terms and can thus be considered to be in accordance with the relevant policies of the London Plan, Core Strategy (2010) and Managing Development Document (2013) as set out within the policy context section of this chapter.

### **3.0 RECOMMENDATION**

- 3.1 That the Committee resolve to:

**GRANT** planning permission, subject to:

- a) Any direction by the **Mayor of London**.
- b) The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of **£61,984.77** towards enterprise and employment
- b) A contribution of **£1,217,699** towards affordable housing provision
- c) A contribution of **£4,000** towards S.106 monitoring
- d) A cash in lieu contribution towards the carbon offset fund (if required)

Non-Financial Contributions:

- a) 30.75% affordable housing, as a minimum, by habitable room with 69.4% as rent and 30.6% as intermediate
  - b) Employment and training strategy
  - c) Access to employment (20% local procurement; 20% local labour in construction; 20% end phase local jobs)
  - d) On-street parking permits removed for future occupants
  - e) Permanent public access to the river walkway and the path located within the development site leading to the walkway from Leven Road.
- c) That the Corporate Director of Place is delegated authority to recommend the following conditions and informatives in relation to the following matters:

**3.2 Conditions on planning permission**

Compliance Conditions:

1. Time limit
2. Development to be built in accordance with the approved plans
3. Compliance with contaminated land site investigation report consented
4. No doors or gates to be opened over the adjacent highway
5. Compliance with materials as consented
6. Compliance with impact studies of the existing water supply infrastructure consented
7. Compliance with piling method statement consented
8. Commercial unit opening hours
9. Compliance with construction environmental management plan consented
10. Compliance with sustainable drainage systems details consented
11. Compliance with details of proposed cranes consented
12. Compliance with archaeological written scheme of investigation consented
13. External glazing specification
14. External plant noise levels

Further Details Required:

15. Landscaping details
16. Further details of cycle storage
17. Further details of green roofs
18. BREEAM final certificates
19. Further details of accessible/adaptable homes
20. Contaminated land – verification report
21. Delivery and servicing plan
22. Lighting and CCTV strategy
23. Details of combined heat and power system
24. Details of heat network
25. Details of mechanical extract systems
26. Waste management strategy
27. 'As built' CO2 emission reduction calculations
28. Scheme of highways works
29. Travel plan

**3.3 Informatives on planning permission**

1. Code of practice for works affecting the Canal & River Trust

2. Thames water
3. CIL

#### **4.0 PROPOSAL AND LOCATION DETAILS**

##### **Proposal**

- 4.1 The proposed development involves the demolition of the existing disused metal galvanising works and the erection of two physically linked buildings of 11 storeys (Block A) and 5/7 storeys (Block B) respectively to provide 160 residential units and a single ground floor commercial unit of 291sqm in size.
- 4.2 It should be noted that whilst this application covers the entire development, the application effectively constitutes an amendment to the previously consented scheme (PA/13/03053) in order to deliver an additional 34 residential units. 30 of these proposed additional residential units will be provided in Block A (which fronts the riverside) by inserting two additional full floor plates between the first and second floor levels taking Block A from 9 to 11 storeys and increasing the height by 5.73m, bringing it in line with the adjacent Devon's Wharf building. The remaining 4 proposed additional residential units will be provided in Block B (which fronts Leven Road) by adding an additional level to the top of the building taking Block B from part 5, part 6 storeys to part 5, part 7 storeys and increasing the height by 2.96m.
- 4.3 Block A which sits on the northern side of the site is to be irregular in shape and consists of two arms that meet at the north east corner of the site. One arm of the block would run parallel with the river with a new river walkway running in front of it and the other arm would return the building along the eastern edge of the site with a 3m clear pedestrian route between it and the site boundary. The latter frontage would look towards the neighbouring Gas Holder site and would benefit from potential views of the park planned for this site. In addition to providing residential accommodation (129 units) Block A would also contain an upper ground floor commercial unit of 291sqm occupying the north east corner (apex) of the building. The commercial space would have consent to be used as an A1, A2, A3, A4, B1(a) or D1 use class.
- 4.4 Block B which sits on the southern side of the site would be of a regular rectangular shape and would read as a part 5, part 7 storey building from its south west facing Leven Road frontage. Due to changes in ground levels, the rear elevation of this block (facing north east) would read as a part 4, part 6 storey block fronting a raised podium level landscaped courtyard that would be constructed between Block A and Block B. Block B would solely feature residential accommodation (31 units) and would not feature any commercial uses.
- 4.5 The car parking for the scheme would be located beneath the courtyard at lower ground floor level and effectively would serve as a basement car park, although minimal excavation would be required to construct the car park as the design exploits the change of levels across the site, rising from the southern edge of the site (adjacent to Leven Road) to the northern edge of the site (adjacent to the River Lea). The lower ground floor level car park would be accessed from Leven Road adjacent to the site's boundary with Devon's Wharf and would provide 24 car parking spaces for the residential accommodation, of which 16 of these spaces would be allocated for disabled users. The lower ground floor level would also accommodate a plant room, secure cycle parking stores and refuse storage areas for both the residential accommodation and the commercial unit.

- 4.6 The primary communal amenity space for the scheme, including the provision of child play space would be located on the podium level courtyard (upper ground floor level), and further outdoor communal amenity space would also be provided in the form of 3 roof gardens at 4<sup>th</sup> floor level in Block B and 8<sup>th</sup> floor level in Block A, in addition to the individual private balconies and roof terraces provided to each and every residential unit.

### Site and Surroundings

- 4.7 The site has an area of approximately 0.45ha and is bordered to the north by the River Lea, bounded on its shortest edge to the south by Leven Road, bounded to the west by Devon's Wharf and bounded to the east by the Leven Road Gas Holder site.



*Aerial view of the surrounding area looking east*

- 4.8 The previously consented scheme (PA/13/03053) is currently under construction, however prior to works commencing the site has been vacant for a period of time, and prior to this was in use as a metal galvanising works. The site previously featured poor quality industrial buildings along much of the east side and an open yard on the rest of the site consisting of hard standing. The site lies adjacent to the Bow Creek Bend in the River Lea, which forms a part of the Lea Valley Metropolitan Site of Importance for Nature Conservation (SINC), with the mud banks to the river at this location serving as an important habitat for birds. The site also falls within Flood Risk Zone 3.
- 4.9 The general character of the site and the surrounding land that is bound by the River Lea to the north and Leven Road to the south is industrial with the exception of the adjacent Devon's Wharf development which is a part 6, part 11 storey residential block with B1 industrial units, and a publically accessible riverside walkway and a

public forecourt. In contrast the land to the south of Leven Road is generally residential in character and consists predominantly of Victorian housing and 1950/60's housing, the latter development making up the Aberfeldy Estate. Typically the surrounding residential development to the south is 2 or 3 storeys in height although with some residential blocks rising to 5 and 6 storeys.

- 4.10 The eastern boundary of the site is shared with the Leven Road Gas Holder Site that is operated by National Grid. The application site used to lie within the consultation zone set around the gas holder site by the Health and Safety Executive (HSE) for reasons of safety in respect of the neighbouring site's storage of gas and the Hazardous Substance Consent (HSC) that did pertain to that site. The Secretary of State confirmed in 2014 the Order revoking the HSC for Leven Road Gas Holder Site and accordingly the consultation zone was removed by the HSE.
- 4.11 The development site itself plus the adjacent gas holder site to the east form Site Allocation 12 (Leven Road Gas Works) within the Managing Development Document (MDD). The objectives for the wider site within the MDD document, that forms a part of the adopted LBTH Local Plan are to establish *"a large local park integrated as part of the wider Lea River Park with a strategic housing development, primary school, a district heating facility and other compatible uses. The objective for the local park will be required to incorporate flood mitigation measures."*
- 4.12 The development site and the wider locality known as Poplar Riverside have relatively poor access to public transport which is reflected in a PTAL rating of 1. It is approximately a 17 minute walk from the site to Canning Town Jubilee Line / DLR Station, and a similar walking distance to Langdon Park, All Saints and East India DLR Stations. As with the neighbouring Aberfeldy Estate the site is severed from the wider Tower Hamlets and Newham area through a lack of convenient pedestrian links across the dual carriageways of the A12 to the north and west of the site, the A13 (East India Dock Road) to the south and a lack of pedestrian bridges across the River Lea.
- 4.13 The site falls within Poplar Riverside as set out in the Core Strategy. The Core Strategy sets an objective to *"transform Poplar Riverside into a revitalised and integrated community reconnecting with the A12 and River Lea and change from a largely industrial area to a predominantly residential area"*. The Lea River Park and FAT Walk will offer connections northwards to the Olympic Legacy area via Bromley-by-Bow and Fish Island and new connections will be forged to overcome the barrier of the A12. *"The design of new development will need to ensure it achieves a joined-up street network and connects to surrounding routes. Buildings to be sensitive to the setting and present an active and positive edge to the River Lea, along with an appropriate setback to ensure the creation of a continuous riverside walkway."* The site also falls within the GLA's Poplar Riverside Housing Zone which seeks to provide up to 3923 new homes.

### **Relevant Planning History**

#### Application Site

- 4.14 PA/13/03053 - Demolition of existing buildings and redevelopment of site to provide a part 6, part 9 storey mixed use building with basement parking to provide 291sqm of commercial space (A1/A2/A3/A4, B1(a), D1 Use Classes) together with 126 residential units with associated landscaping, children's play facilities and public riverside walkway. (Permission granted 07/11/2014)

- 4.15 PA/16/01822 - Application for variation of condition 29 (access to the river walk from the ground floor units) of planning permission PA/13/03053, dated 07/11/14. (Currently under consideration)

Devon's Wharf Site

- 4.16 PA/09/00109 – Redevelopment of site comprising the erection of a six and eleven storey building to provide 7 affordable B1 units and 66 residential units together with 12 car parking spaces, riverside walkway and public forecourt. (Permission granted 25/06/2010)

Gas Holder Site

- 4.17 PA/01/01202 - Continuation of Hazardous Substances Consent following a change in control of part of the land. (Permission granted 08/10/2001)
- 4.18 PA/13/00435 - Revocation of the planning Hazardous Substance Consent for the Poplar Holder site. (Permission granted 20/06/2014)
- 4.19 PA/16/01887 - Request for Screening Opinion as to whether an EIA is required in respect of an application for the Demolition of redundant gas holders. (EIA not required 29/07/2016)
- 4.20 PA/16/02340 - Demolition of three gasholders, meter house, small ancillary buildings and above ground pipework. (Prior approval given 02/09/2016)

**5.0 POLICY FRAMEWORK**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of this application must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 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:

**5.3 Government Planning Policy**

National Planning Policy Framework 2012  
National Planning Practice Guidance

**5.4 London Plan 2016**

- 2.13 – Opportunity Areas and Intensification Areas
- 3.2 – Improving health and addressing health inequalities
- 3.3 – Increasing housing supply
- 3.4 – Optimising housing potential
- 3.5 – Quality and design of housing developments
- 3.6 – Children and young people’s play and informal recreation facilities
- 3.7 – Large residential developments
- 3.8 – Housing choice
- 3.9 – Mixed and balanced communities
- 3.10 – Definition of affordable housing
- 3.11 – Affordable housing targets

- 3.12 – Negotiating affordable housing in individual private and mixed use schemes
- 4.8 – Supporting a successful and diverse retail sector and related facilities and services
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.6 – Decentralised energy in development proposals
- 5.7 – Renewable energy
- 5.9 – Overheating and cooling
- 5.10 – Urban greening
- 5.11 – Green roofs and development site environs
- 5.12 – Flood risk management
- 5.13 – Sustainable drainage
- 5.14 – Water quality and wastewater infrastructure
- 5.15 – Water use and supplies
- 5.17 – Waste capacity
- 5.18 – Construction, excavation and demolition waste
- 5.21 – Contaminated land
- 6.3 – Assessing effects of development on transport capacity
- 6.5 – Funding Crossrail and other strategically important transport infrastructure
- 6.9 – Cycling
- 6.10 - Walking
- 6.13 – Parking
- 6.14 – Freight
- 7.1 – Lifetime neighbourhoods
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.5 – Public realm
- 7.6 – Architecture
- 7.7 – Location and design of tall and large buildings
- 7.8 – Heritage assets and archaeology
- 7.13 – Safety, security and resilience to emergency
- 7.14 – Improving air quality
- 7.15 – Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.18 – Protecting open space and addressing deficiency
- 7.19 – Biodiversity and access to nature
- 8.2 – Planning obligations
- 8.3 – Community Infrastructure

## 5.5 **Core Strategy 2010**

- SP01 – Refocusing on our town centres
- SP02 – Urban living for everyone
- SP03 – Creating healthy and liveable neighbourhoods
- SP04 – Creating a green and blue grid
- SP05 – Dealing with waste
- SP06 – Delivering successful employment hubs
- SP08 – Making connected places
- SP09 – Creating attractive and safe streets and spaces
- SP10 – Creating distinct and durable places
- SP11 – Working towards a zero-carbon borough
- SP12 – Delivering placemaking



## 5.6 **Managing Development Document 2013**

DM2 – Local shops  
DM3 – Delivering homes  
DM4 – Housing standards and amenity space  
DM9 – Improving air quality  
DM10 – Delivering open space  
DM11 – Living buildings & biodiversity  
DM12 – Water spaces  
DM13 – Sustainable drainage  
DM14 – Managing waste  
DM20 – Supporting a sustainable transport network  
DM22 – Parking  
DM23 – Streets and the public realm  
DM24 – Place-sensitive design  
DM25 – Amenity  
DM26 – Building heights  
DM29 – Achieving a zero carbon borough and addressing climate change  
DM30 – Contaminated land and development and storage of hazardous substances  
Site Allocation 12 – Leven Road Gas Works

## 5.7 **Supplementary Planning Documents**

Housing Supplementary Planning Guidance, March 2016  
Planning Obligations Supplementary Planning Document, September 2016  
Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance, September 2016

## 6.0 **CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

### **LBTH Affordable Housing Officer**

6.3 The proportion of the new units offered for affordable use (which is governed by the need to retain separate tenures in different blocks / cores) is considered acceptable. The mix of new units proposed is led by the need to match existing floor plans, but the increase in numbers of differently sized units has slightly increased the overall family proportion from 22% to 30%, whilst decreasing the family proportion for rent from 61% to 48%, however this mix is still at or above our policy requirements. The provision of 2 additional wheelchair units (bringing the total to 16 units) in the intermediate tenure is acceptable as 10% of the total units proposed will be wheelchair units.

### **LBTH Biodiversity Officer**

6.4 An updated biodiversity condition (to take into account changes in policy and the development itself) requiring details of biodiversity enhancements should be imposed. Any lighting proposed within the development should be designed to avoid light spill onto Bow Creek.

### **Canal and River Trust**

- 6.5 A condition should be imposed which requires the development to be carried out in accordance with the Sustainable Water Management plans approved under consent PA/16/00912.

### **Crime Prevention Officer**

- 6.6 Concerns raised regarding links between the development and the riverside path.

### **LBTH Design Officer**

- 6.7 The two additional levels to Block A and the one additional level to Block B are supported. The revised elevations however are not supported as they result in significant changes to the appearance of the consented scheme and give rise to serious concerns regarding the overall quality of the scheme.

*Officer comment: The revised elevations have been withdrawn, and no longer form part of the application.*

### **LBTH EIA Officer**

- 6.8 No comments received.

### **LBTH Energy Efficiency Officer**

- 6.9 The proposals anticipate that there will be a 50% reduction in CO2 emissions against a building regulation 2010 baseline which is welcomed. The applicant should provide updated thermal profiling details for the energy system to demonstrate that the CHP sizing has been optimised for CO2 emission reductions and this should be secured via condition. A condition requiring the 'as built' CO2 emission reduction calculations to be submitted to the LPA should also be imposed, and where the anticipated CO2 savings are not achieved then any shortfall would need to be met through a cash in lieu contribution to be paid to the carbon offset fund.

### **Environment Agency**

- 6.10 No objection in principle, however the LPA should assess the adequacy of the evacuation arrangements and also attach an informative regarding obtaining a permit from the EA.

### **LBTH Environmental Health – Air Quality**

- 6.11 The submitted air quality assessment concludes that the proposed development will not have a significant impact on air quality and is considered acceptable.

### **LBTH Environmental Health – Contaminated Land**

- 6.12 The conditions imposed under consent PA/13/03053 should be imposed and adhered to as part of any new consent.

### **LBTH Environmental Health – Noise and Vibration**

- 6.13 No comments received.

### **Greater London Authority**

- 6.14 The principle of a high density, residential-led mixed use development on this waterfront site within an opportunity area is established by the extant planning permission. GLA officers will work with the Council and applicant in order to achieve the maximum reasonable amount of affordable housing. The urban design and residential quality issues set out within the GLA's report must be addressed before the acceptability of the proposed increased height and density can be appropriately assessed. The applicant should address those issues raised regarding the provision of individual private residential entrances for the ground floor units along Leven Road and the riverside walk, in addition to providing direct access from the public realm for the western most core in the riverside block. The applicant should explore further options for providing an inclusive solution to the eastern access to the podium garden, in addition to providing an additional disabled parking space to meet policy standards. The applicant should also provide the carbon savings figures in tonne per annum based against a Part L 2013 baseline for each stage of the energy hierarchy in order for officers to make an appropriate assessment, in addition to providing further information on overheating, the site heat network, CHP and renewable technologies.

Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application.

### **Historic England Archaeology**

- 6.15 No objection.

### **LB Newham**

- 6.16 No comments received.

### **LBTH Occupational Health**

- 6.17 Further details of the wheelchair accessible units are required.

### **LBTH SUDS Team**

- 6.18 The site is located within Flood Zone 3 and is protected to a high standard by the Thames tidal flood defences. No residential accommodation is proposed in the lower levels which therefore limits the vulnerability of the scheme, however it is important to ensure that there is a resilient means of safe access/egress and the applicant has thus far not provided this. The submitted FRA (Flood Risk Assessment) sets out proposals to reduce the existing surface water run-off by employing Rain Water Harvesting, Green Roofs and Permeable Paving, however as no further details of these measures have been provided a condition will be required to be imposed which requests the submission of a detailed surface water drainage strategy.

### **Transport for London**

- 6.19 No objection.



and up to 50,000 new jobs within the Opportunity Area. Site Allocation 12 (Leven Road Gas Works) takes in the application site and the neighbouring Gas Works site and envisages the creation of a strategic housing development, a primary school, a district heating facility, a large local park and other compatible uses.

- 8.3 Policy 2.13 of the London Plan (2016) seeks to ensure that developments within Opportunity Areas *“support the strategic policy directions for the Opportunity Area”* and *“seek to optimise residential and non-residential output and densities”*. Policy 3.3 sets out the borough’s housing targets until 2025, and states that Tower Hamlets is required to deliver a minimum of 3,931 new homes per year. Policy 4.8 states that Council’s should support the delivery of *“additional [retail] facilities at an appropriate scale in locations accessible by walking, cycling and public transport to serve existing or new residential communities”*.
- 8.4 The Council’s Core Strategy policy SP01 seeks to promote *“areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale”*. Policy SP02 *“seeks to deliver 43,275 new homes from 2010 to 2025 in line with housing targets set out in the London Plan”* and *“ensure new housing assists in the creation of sustainable places”*. Policy SP06 seeks the Council to *“work with partners across the sub-region, to deliver a phased, managed and co-ordinated release of 20 to 50 Ha of industrial land, over the lifetime of the plan”*.
- 8.5 The Council’s Managing Development Document policy DM2 states that the *“development of local shops outside of town centres will only be supported where: there is demonstrable local need that cannot be met within an existing town centre; they are of an appropriate scale to their locality; they do not affect amenity or detract from the character of the area; and they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres”*. Policy DM3 states that *“development should maximise the delivery of affordable housing on-site”* and *“provide a balance of housing types, including family homes”*.

#### Loss of Existing Industrial Land

- 8.6 The application site was last in use as a metal galvanizing works, however was vacant immediately prior to construction work commencing on the previously consented scheme (PA/13/03053). Policy SP06 seeks to encourage the consolidation and managed release of industrial land in the Poplar Riverside area, and the site allocation (which exempts the application from the requirements of policy DM15(1)) encourages the re-use of this land for a strategic housing development. Given the above policy context officers have no objection to the loss of the existing industrial land.

#### Principle of Residential Use

- 8.7 The proposed development would result in the creation of 160 residential units, representing an increase of 34 units when compared to the previously consented scheme (PA/13/03053). As previously noted the site sits within the Lower Lea Valley Opportunity Area and Tower Hamlets Site Allocation 12 (Leven Road Gas Works). The Opportunity Area designation seeks to encourage a high level of housing growth in this area, and as such the delivery of an enhanced strategic housing-led development in this location can be seen to be in accordance with this designation. Tower Hamlets Site Allocation 12 (Leven Road Gas Works) seeks to deliver a strategic housing development on this site along with supporting uses including a large local park and primary school. By reason of the site’s size and location, on the western edge of the site allocation, it is unreasonable to seek the delivery of a local

park and primary school as part of the proposal. However the scheme will contribute towards the site allocation objective with the delivery of 160 new housing units, public realm improvements, and the inclusion of a significant area of new public open space with the River Walkway and the link footpath from Leven Road itself to it, and is therefore supported by officers.

- 8.8 Officers also consider that the delivery of 160 new residential units on this site is in accordance with other relevant policies, as the development will contribute to the borough's housing targets, assist in the creation of sustainable place making, maximise the delivery of affordable housing on-site (as demonstrated through a financial viability assessment), and provide a balance of housing types, including family homes. Officers are therefore content that the principle of a residential-led development on this site is acceptable as it is in accordance with relevant planning policy.

#### Principle of Non-Residential Use

- 8.9 The current application seeks to deliver a flexible commercial unit (Classes A1-A4/B1/D1) at upper ground level within the north east corner of Block A, directly adjacent to the proposed River Walkway, which will measure 291sqm in size. It should be noted that this proposed commercial unit is unchanged from the previously consented scheme (PA/13/03053) and as such has already previously been deemed to be acceptable.
- 8.10 Given that the relevant planning policy position is largely unchanged since the granting of the previous consent (PA/13/03053) which includes support for such units from policy 4.8 within the London Plan (2016), policy SP06 within the Tower Hamlets Core Strategy (2013) and policy DM2 within the Tower Hamlets Managing Development Document, and the fact that the site is a considerable distance from the nearest town centre and sits in a location where there is a lack of small retail shops, officers are content that the provision of a small flexible commercial unit in this location is still on balance acceptable.

#### Conclusion

- 8.11 Officers consider that the introduction of a residential-led mixed use development in this location is acceptable, as such a development is compatible with both its designations (in regional and local spatial planning documents) and relevant planning policy.

### **Design**

#### Policy Context

- 8.12 Policy 7.1 of the London Plan (2016) seeks to ensure that *“the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood”*. Policy 7.2 seeks to ensure *“the principles of inclusive design [...] have been integrated into the proposed development”*. Policy 7.3 seeks to ensure that development reduces *“the opportunities for criminal behaviour and contributes to a sense of security”*. Policy 7.4 seeks to ensure that *“buildings, streets and open spaces should provide a high quality design response that contributes to a positive relationship between the urban structure and natural landscape features”*. Policy 7.5 seeks to ensure that *“development should make the public realm comprehensible at a human scale”*.

Finally policy 7.6 seeks to ensure that *“buildings and structures should be of the highest architectural quality”*.

- 8.13 The Council’s Core Strategy policy SP10 seeks to *“ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds”*.
- 8.14 The Council’s Managing Development Document policy DM23 states that *“development should be well-connected with the surrounding area and should be easily accessible for all people by: ensuring design of the public realm is integral to development proposals and takes into consideration the design of the surrounding public realm [and] incorporating the principles of inclusive design”*. DM24 states that *“development will be required to be designed to the highest quality standards, incorporating principles of good design, including: ensuring design is sensitive to and enhances the local character and setting of the development”*.

#### Layout

- 8.15 The overall form and layout of the proposed development remains unchanged from the previously consented scheme (PA/13/03053). The development includes two residential blocks which surround a central podium structure, which accommodates both child play space and communal amenity space. The siting of the two blocks, through their set back from the western edge of the site and the massing break along the southern Leven Road frontage, are well considered as they allow sufficient daylight and sunlight to be maintained to the windows in the eastern elevation of the adjacent Devon’s Wharf development, allow greater sunlight to enter into the podium space and also allow more sunlight to fall upon the south facing individual balconies within Block A.



Site layout block plan from the consented scheme (PA/13/03053)

- 8.16 The proposal has public frontages on three of its four edges with generous expanses of hard and soft landscaping on two of these edges, with the River Walkway to the north and the link footpath from Leven Road itself to it on the east (both contained within the site boundary), which is capable of forming part of the new park anticipated to come forward when the neighbouring gas works site is redeveloped. This arrangement brings wider public benefits as well as offering the future occupants a good degree of natural surveillance whilst simultaneously not compromising ground level site security, with access to the private communal central courtyard limited to only two points of gated entry (with electronic keypad control confined to residents).
- 8.17 Due to the difference in ground levels at the Leven Road boundary of the site and riverside edge of the site, the layout of the scheme enables an undercroft car park, cycle store and refuse store to be integrated within the scheme with a large podium of green amenity space, and child play space serving the residents (both affordable and private occupiers) of the scheme sitting above this. Block A which sits adjacent to the River Lea houses residential uses (along with the proposed commercial unit) which commence at upper ground floor and Block B, which fronts Leven Road houses residential uses which commence at lower ground floor.
- 8.18 Access to Block A is via a shared lobby at lower ground floor on the south eastern corner of the building which connects through to 3 cores via a corridor at lower ground floor. Whilst the GLA have raised concerns about this aspect of the layout of the development, and have expressed a preference for the western most core to be directly accessed from the river walkway instead, it should be noted that this arrangement is unchanged from the consented scheme (PA/13/03053) and that this part of the development has already been built out, meaning that it can no longer be amended. Given the above situation and taking into consideration the benefits that the amended proposal will deliver (such as increased on-site affordable housing provision), officers consider that on balance this arrangement can be accepted. GLA officers have also requested that the 3 residential units in Block A at upper ground floor level which front the river walkway are directly accessed from it as opposed to the internal circulation routes. Whilst officers consider that such an arrangement would be beneficial to further activate the proposed river walkway, it should be noted that the presence of residential units with windows and doors leading onto external amenity spaces which directly abut the river walkway already provide a reasonable degree of animation to this space. Furthermore the Secure by Design officer has raised considerable concern with this proposed alteration and has recommended that direct access from the river walkway to these units is not provided in the interests of future residents' safety. In light of the above officers consider that the currently proposed arrangement is acceptable.
- 8.19 Block B features two entrances, one at the western end of the building fronting Leven Road, and one at the eastern end of the building fronting the link footpath which runs along the eastern edge of the site. The 4 duplex residential units in Block B which front Leven Road also feature secondary entrances to their private external amenity spaces which feature gates allowing them to be accessed from the street. These access arrangements are unchanged from the consented scheme (PA/13/03053). The GLA have questioned the need for the duplex units to have two access points as it could undermine the use of the street facing entrances and the overall contribution they would make to animating this frontage. The applicant has stated that such arrangements cannot be changed due to the fact that this portion of the development has already been built out and that a registered provider has already agreed to take on these units based on their current design. As a compromise solution, officers have secured design amendments to the Leven Road facing entrances which now feature



glazed canopies above the front doors giving the impression that these are the front entrances to the units, which may encourage their use as the primary means of access for these units. In light of the above officers are content that this arrangement is thus acceptable.

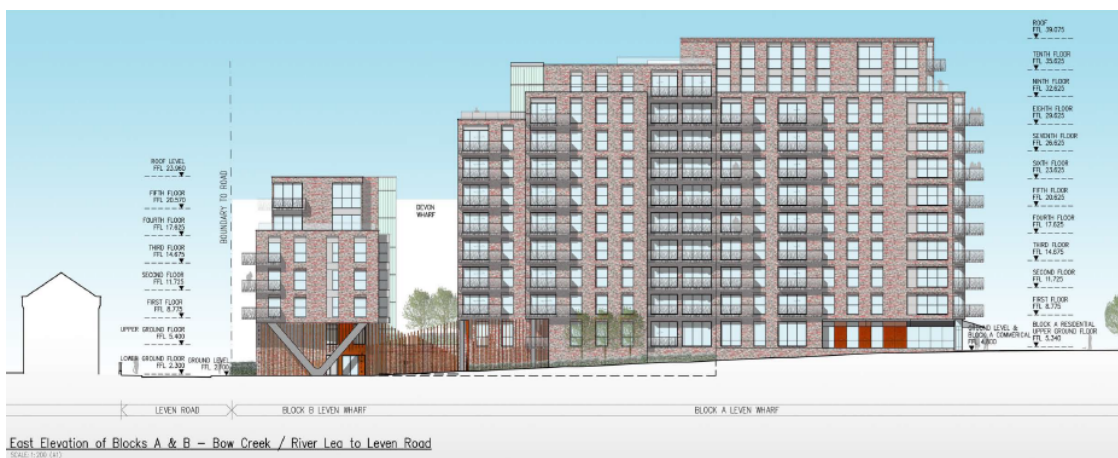
- 8.20 In light of the above officers consider that the layout of the proposed development is acceptable as it broadly is in accordance with the relevant policies.

Height, Scale and Massing

- 8.21 The existing footprints of both Blocks A and B are unchanged from the consented scheme (PA/13/03053). The proposed amended scheme however does seek to change the height of both Blocks A and B through the insertion of two additional full floor plates between the first and second floor level of Block A taking it from 9 to 11 storeys, and the provision of an additional level to the top of Block B taking it from part 5, part 6 storeys to part 6, part 7 storeys. The changes to Block A will raise the height of this block by 5.73m taking its overall AOD height from 33.35m to 39.075m, whereas the changes to Block B will raise its height by 2.96m taking its overall AOD height from 21m to 23.96m.



*View of the consented scheme (PA/13/03053) from Poplar Gas Works (east elevation)*



*View of the proposed scheme from Poplar Gas Works (east elevation)*

- 8.22 Officers consider the proposed amendments to the heights of both blocks to be acceptable as the overall increased mass of the development still responds well to its site context and the character of the area, which includes the part 6, part 11 storey

adjacent Devon's Wharf development and the 2/3 storey houses which sit opposite the site on the southern side of Leven Road.

- 8.23 In light of the above officers consider that the height, scale and massing of the proposed development is acceptable as it accords with the relevant policies.

#### Materials

- 8.24 The proposed material palette for the proposed development is unchanged from the consented scheme (PA/13/03053), with the exact materials having been consented under an approval of detail application (PA/16/02794). These materials include a high quality blended brick for the façades, patterned aluminium balustrading, corten steel panels for the surrounds to the entrances to both residential blocks, cast unwired reglit glazing for the stair cores, and powder coated grey aluminium windows and doors. These approved details will be replicated for the additional floors within the subject scheme.

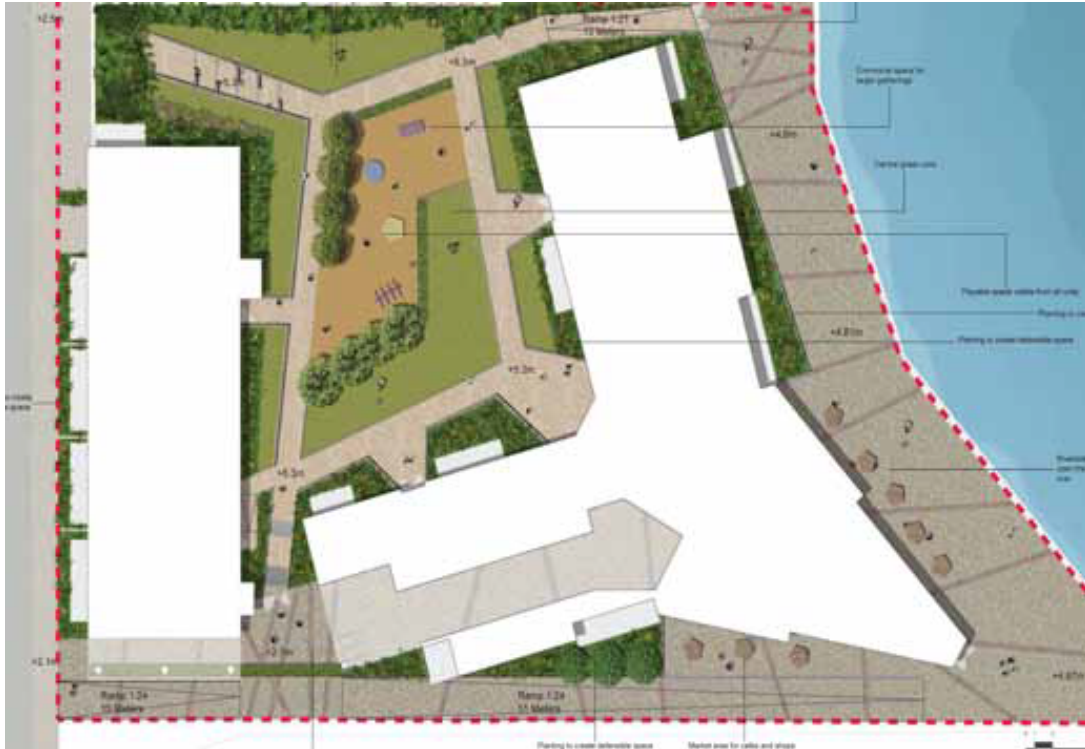


*A selection of the materials approved for the scheme under consent PA/16/02794*

- 8.25 The proposed material palette for the scheme is robust and will complement the existing character of the area as well as making visual associations with the historic industrial buildings located in the area. The palette of materials approved (under PA/16/02794) are high quality and durable materials which will ensure that the finished development is of the highest quality standards and incorporates the principles of good design, in accordance with policy DM24 in the Tower Hamlets Managing Development Document (2013).
- 8.26 In light of the above officers consider that the material palette for the proposed development is acceptable as it accords with the relevant policies.

#### Landscaping

- 8.27 The landscaping proposals for the amended scheme are largely similar to those permitted under the consented scheme (PA/13/03053), and consist of a large courtyard in the centre of the site (between Blocks A and B) at upper ground level (above the car park below), an 8m wide hard landscaped river walkway on the northern end of the site, and a 3m wide hard landscaped route on the eastern edge of the site.



*Indicative landscaping plan, illustrating the central courtyard, river walkway and access route*

- 8.28 The proposed podium courtyard in the centre of the site has been slightly amended from the consented scheme (PA/13/03053) to allow for the provision of a higher quantum of child play space generated by the uplift in the number of proposed residential units, however remains broadly similar to that permitted under the consented scheme (PA/13/03053). In addition to the proposed child play space areas, the podium courtyard also features a network of pathways which connect to entrances to both Blocks A and B, as well as other areas of landscaping which could be used by residents in addition to the proposed dedicated communal amenity space being proposed on level 8 of Block A and level 4 of Block B.
- 8.29 The proposed river walkway and associated link route is an integral part of the design and layout of the scheme which is included within the development's red line boundary and is unchanged from the consented scheme (PA/13/03053). The proposed river walkway, as well as providing a requisite minimum 8m separation distance between Block A and the banks of the River Lea (as required by the Environment Agency), will also positively contribute to the public realm helping to open up the banks of the River Lea to the public and contribute towards the wider ambitions for a public walkway along the river as part of the River Lea Park and LBTH wide Green Grid project. The hard and soft landscaping to the river walkway will echo the detailed design approach agreed for the river walkway consented within the neighbouring Devon's Wharf development, including a common use of granite paving setts and soft landscaping planting to enhance wildlife and biodiversity along the river banks. The proposed river walkway shall remain within the ownership of the developer, but with 24/7 uninhibited access for pedestrians and cyclists to use it. Such access will be secured via a S.106 legal agreement, in a similar fashion to the legal agreement secured for the river walkway within the neighbouring Devon's Wharf development.
- 8.30 In light of the above officers consider that the landscaping of the proposed development is acceptable as it accords with the relevant policies.

### Secure by Design

- 8.31 The applicant has engaged with the Metropolitan Police and has taken on board their comments in the development of the proposals, in particular their comments regarding direct access from the 3 residential units on the upper ground floor of Block A to the river walkway, and their desire for this not to form part of the proposed development (contrary to GLA comments which are addressed under the 'layout' heading of this section of the report). All entrances, including those to the podium courtyard from the river walkway and the entrance car park will have access control systems, with video and audio links, and all windows will have internal locks with laminated/toughened double glazed units. A condition requiring the submission of an external lighting strategy will be secured via condition to ensure that proposed river walkway and access route, as well as the central courtyard within the development are adequately lit to ensure user's safety after dark. It should also be noted that the applicant is committed to ensuring that the scheme achieves Secure by Design accreditation, and a condition will be imposed requiring the applicant to submit evidence that the scheme has achieved Secure by Design accreditation prior to its first occupation.
- 8.32 In light of the above officers consider that the proposed development is acceptable in secure by design terms as it accords with the relevant policies.

### Conclusion

- 8.33 Officers consider that the proposed design of the amended scheme is acceptable in terms of its layout, height, scale and massing, features a high quality material palette along with high quality landscaping, and also has been designed in accordance with Secure by Design principles. As such officers can conclude that the application is acceptable in design terms.

## **Housing**

### Policy Context

- 8.34 Policy 3.3 of the London Plan (2016) seeks to ensure that sufficient new housing is brought forward in order to meet demand, whilst policy 3.4 seeks to ensure that development optimises housing output for different types of location. Policy 3.5 seeks to ensure that new residential accommodation is of the highest quality and policy 3.6 seeks to ensure that provision is made within new developments for play and informal recreation. Policy 3.8 seeks to ensure that new residential developments provide a genuine choice of homes that are affordable and policy 3.12 seeks to ensure that local authorities seeks the maximum reasonable amount of affordable housing in all new developments. Policy 7.2 seeks to ensure that development demonstrates how it has incorporated the principles of inclusive design, including the specific needs of older and disabled people.
- 8.35 The Council's Core Strategy policy SP02 seeks to ensure that new housing assists in the creation of sustainable places by optimising the use of the land, delivers the maximum reasonable amount of affordable housing, and is appropriate, high-quality, accessible, well-designed and sustainable. This will be achieved by setting housing design standards, requiring new developments to be compliant with up to date building regulation standards, and ensuring that an adequate level of private and communal amenity space is provided within proposed developments, along with child play space.

- 8.36 The Council's Managing Development Document policy DM3 seeks to ensure that development maximises affordable housing and provides a balance of housing types, including family homes. Policy DM4 seeks to ensure that all housing developments include an adequate provision of internal space in order to provide an appropriate living environment, along with sufficient levels of both private and communal external amenity space in accordance with the London Plan Housing SPG, and also seeks to secure 10% of new housing as either accessible or 'easily adaptable'.

#### Residential Density

- 8.37 The application site has a PTAL rating of 1 indicating a very poor level of public transport accessibility, and can be considered to be in an urban location as it is within 800m of Chrisp Street District Centre. As such in accordance with table 3.2 within the London Plan (2016) the recommended density level for a site such in simple numerical terms is 150-250 habitable rooms per hectare. It should however be noted that the intent of London Plan and Local Plan policies is to maximise the highest possible intensity of use compatible with the local context, good design and sound levels of amenity for future occupants, as well as safeguarding the amenity of neighbouring residents and building occupiers.
- 8.38 The previously consented scheme (PA/13/03053) had a density level of 877 habitable rooms per hectare which exceeded the upper density for this location and was considered acceptable at the time due to the fact that it did not demonstrate any typical signs of over-development such as poor access to daylight/sunlight, sub-standard dwelling units (measured against the London Plan and the Mayor's Housing SPG), undue sense of enclosure, loss of outlook, increased traffic generation, loss of visual amenity to the locality, or a poor housing mix. Furthermore it should also be noted that the consented scheme (PA/09/00109) at the adjacent Devon's Wharf site has a similar density to the previously consented scheme (PA/13/03053) at 788 habitable rooms per hectare.
- 8.39 The proposed amended scheme increases the residential density on site to 1048 habitable rooms per hectare by virtue of the addition of a further 34 units. Whilst this proposal further increases the residential density of the proposal beyond that of the consented scheme (PA/13/03053), it is important to note that the amended scheme does not demonstrate any typical signs of over-development such as those outlined in the previous paragraph, and as such is considered to be compliant with both the London Plan and the Mayor's Housing SPG. Furthermore it should be noted that the site does sit within both an Opportunity Area and a Housing Zone which encourage a high level of housing growth in this area. As such officers consider that the proposed scheme can be considered to be acceptable in density terms.

#### Affordable Housing

- 8.40 The previously consented scheme (PA/13/03053) provided the following affordable housing provision:

	<b>Total</b>	<b>Affordable</b>	<b>Of Which is Affordable/Social Rent</b>	<b>Of Which is Intermediate Provision</b>
<b>Habitable Rooms</b>	390 (100%)	117 (30%)	83 (70.9%)	34 (29.1%)

- 8.41 The proposed amended scheme seeks to provide an additional 34 units within the development which provide the following affordable housing provision:

	<b>Total</b>	<b>Affordable</b>	<b>Of Which is Affordable/Social Rent</b>	<b>Of Which is Intermediate Provision</b>
<b>Habitable Rooms</b>	88 (100%)	30 (34%)	19 (63.3%)	11 (36.7%)

8.42 As such the entire amended scheme now provides the following affordable housing provision:

	<b>Total</b>	<b>Affordable</b>	<b>Of Which is Affordable/Social Rent</b>	<b>Of Which is Intermediate Provision</b>
<b>Habitable Rooms</b>	478 (100%)	147 (30.75%)	102 (69.4%)	45 (30.6%)

8.43 In addition to the above on-site affordable housing provision the applicant has also proposed to provide a financial contribution of £1,217,699 in lieu of further affordable housing units on site.

8.44 The applicant's initial viability assessment concluded that the amended proposal could only provide an affordable housing provision of 139 habitable rooms, equivalent to 29% of the residential accommodation being proposed (a reduction of 1% overall when compared to the consented scheme (PA/13/03053)), however this was subsequently amended to 147 habitable rooms, equivalent to 30.75% of the residential accommodation being proposed during viability discussions.

8.45 The Council's independent viability consultants who reviewed the applicant's viability assessment undertook a standard viability appraisal which concluded that the proposed scheme would still result in a surplus of £2,912,641, largely due to a disparity (between the applicant and the Council's viability consultants) in the costs associated with the amended proposal. However, given the unusual circumstances of this application (i.e. that it is currently midway through construction) the Council's viability consultants also reviewed the current scenario, which took into account a number of additional costs to reflect the total costs expended (as a result of the progress of the consented development (PA/13/03053)), which concluded that the proposal would still result in a surplus of £1,217,699.

8.46 The applicant disputed the conclusions of the Council's viability review stating that even the lower surplus did not reflect the true costs of delivering the scheme, nor took into account the fact that the economies of scale associated with the larger development (which were factored into the review of the viability assessment by the Council's consultants) could not be realised due to the stage that construction works of the consented scheme (PA/13/03053) had reached.

8.47 In light of the above further negotiations with the applicant have resulted in an improved affordable housing provision, through a financial contribution. As the applicant has already signed contracts and sold the properties in Block B to a registered provider (East Thames Homes) which has been evidenced to officers, the applicant is limited in the provision of additional on-site affordable housing units – the terms of the contract only allow for further intermediate units to be provided within Block A of the development and do not allow for any further social or affordable rent units to be provided or for any change of tenure of existing units to take place. As such, to ensure that a broad 70%/30% affordable housing split is maintained, a financial contribution in lieu of further affordable housing units on site would be

secured which would be ring-fenced to spend on the Council's own affordable housing delivery programme.

- 8.48 A contribution of £1,217,699 has been secured by officers in order to reflect the outcome of the Council's viability consultant's report. Officers consider that in light of the unusual circumstances of this application (i.e. that it is currently midway through construction), and the additional costs that this generates, such a contribution can be considered to be the maximum viable position, as the higher figure contained within the Council's consultant's report (which presumes that no development has taken place to date) would not be viable to the applicant due to the costs already expended by the development, and thus would not allow the current proposed development to come forward.
- 8.49 The final affordable housing provision (as outlined in the table under point 8.42) would therefore result in both a slight uplift in the overall percentage of affordable housing being provided on site (up from 30% to 30.75%) as well as an additional financial contribution of £1,217,699 which would be ring-fenced to spend on the Council's own affordable housing delivery programme. Whilst the affordable housing split would change slightly from 70.9%/29.1% to 69.4%/30.6%, the amended scheme is still broadly providing a 70%/30% affordable housing split in favour of affordable/social rent units and can thus be considered acceptable.
- 8.50 The amended scheme would provide a total of 1 x 2 bed, 6 x 3 bed and 6 x 4 bed units at social target rent levels. The remaining 6 x 1 bed and 6 x 2 bed affordable rent units proposed would be provided at the same rent levels as those secured under the previous consent (PA/13/03053) – up to £194 per week (including service charges) for the 1 bed units, and up to £202 per week (including service charges) for the 2 bed units.
- 8.51 Given the unusual circumstances of this development (i.e. that it is currently midway through construction), officers consider that the affordable housing offer represents the maximum viable offer and as such the proposed development can be seen to be in accordance with the relevant policies.

#### Dwelling Mix

- 8.52 The previously consented scheme (PA/13/03053) had the following dwelling mix:

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
<b>Market</b>	34 (35.5%)	45 (47%)	17 (17.5%)	0 (0%)	96 (100%)
<b>Intermediate</b>	5 (41.5%)	7 (58.5%)	0 (0%)	0 (0%)	12 (100%)
<b>Social/Affordable</b>	3 (16.5%)	4 (22%)	5 (28%)	6 (33.5%)	18 (100%)

- 8.53 The proposed amended scheme seeks to provide an additional 34 units within the development which comprise of the following:

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
<b>Market</b>	9 (41%)	11 (50%)	2 (9%)	0 (0%)	22 (100%)
<b>Intermediate</b>	1 (20%)	4 (80%)	0 (0%)	0 (0%)	5 (100%)
<b>Social/Affordable</b>	3 (43%)	3 (43%)	1 (14%)	0 (0%)	7 (100%)

8.54 As such the entire amended scheme now has the following dwelling mix:

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
<b>Market</b>	43 (36.5)	56 (47.5%)	19 (16%)	0 (0%)	118 (100%)
<b>Intermediate</b>	6 (35%)	11 (65%)	0 (0%)	0 (0%)	17 (100%)
<b>Social/Affordable</b>	6 (24%)	7 (28%)	6 (24%)	6 (24%)	25 (100%)

8.55 Strategic policy SP02 of the Tower Hamlets Core Strategy seeks to secure a mixture of small and large housing , requiring an overall target of 30% of all new housing to be of a size suitable for families (3 bed+), including 45% of new affordable homes to be for families.

8.56 Policy DM3 (part 7) of the Tower Hamlets Managing Development Document requires a balance of housing types including family homes based on the Council's most up to date Strategic Housing Market Assessment (2009) which is as follows:

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
<b>Market</b>	50%	30%	20%	
<b>Intermediate</b>	25%	50%	25%	0%
<b>Social/Affordable</b>	30%	25%	30%	15%

8.57 Within the market sector the mix of units within the additional 34 units is slightly skewed more towards 2 bed units, which is the same when the entire amended scheme is looked at in the round. Officers are however content that the mix of market units being proposed is broadly in line with Council policy and offers a good range of both small and large housing within the market tenure.

8.58 Within the intermediate sector the mix of units within the additional 34 units provide a high quantum of 2 bed units, which is also the case when the entire amended scheme is looked at in the round. It should be noted however that the Council's preferred mix of intermediate units encourages the delivery of a high proportion of 2 bed units, and given that the scheme also proposes a number of 1 bed units as well, officers are content that the proposed intermediate mix of units being proposed is acceptable.

8.59 With respect to the social/affordable sector, the mix of units within the additional 34 units is skewed more towards smaller units (i.e. 1 and 2 bed units), however when the entire amended scheme is looked at in the round this brings the mix within this tenure more into line with the Council's preferred mix of social/affordable units (when compared against the consented proposal (PA/13/03053)). It should also be noted that 48% of the social/affordable units contained within the amended proposal are for families (i.e. 3+ bed units) which is welcomed by officers and exceeds the Council's requirement of 45% family units.

8.60 In the context of the Council's relevant policies, officers are content that the proposed dwelling mix of the amended scheme can broadly be considered to be policy compliant and is thus considered acceptable.

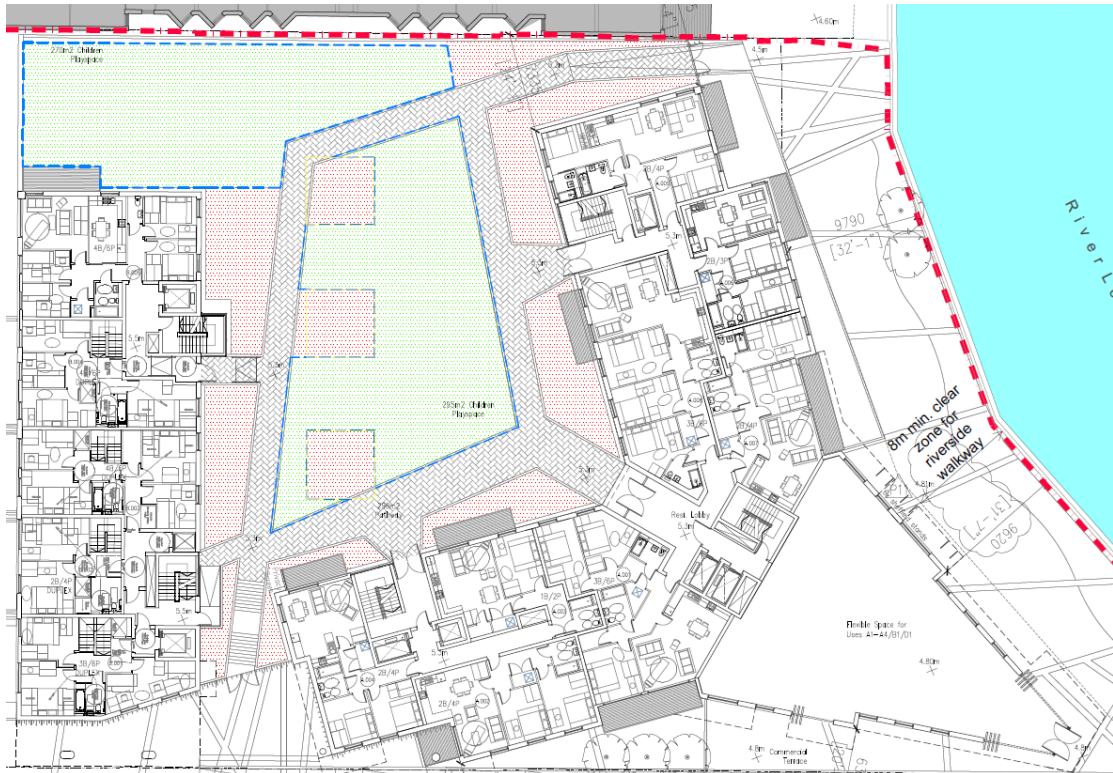


### Residential Standards

- 8.61 The two additional levels proposed within Block A, and the one additional level proposed within Block B follow the previously approved layout and design (under consent PA/13/03053) of the other levels of the blocks. All of the proposed residential units, including the additional proposed units, have been designed in accordance with the Mayor of London's internal and private amenity space standards and as such the proposed residential units can be considered acceptable in terms of internal and private amenity space standards.
- 8.62 All of the proposed residential units have a minimum internal floor to ceiling height of 2.5m (which is in compliance with the London Plan Housing SPG). All 13 of the proposed social rent units are dual or triple aspect, 6 out of 12 proposed affordable rent units are dual or triple aspect (with the remaining 6 units being single aspect south facing 1 bed unit), and 11 out of 17 proposed shared ownership units are dual or triple aspect (with the remaining 6 units being single aspect south or south west facing 1 bed units). Due to the internal layout of the proposed development a large number of the market units also benefit from either double or triple aspects.
- 8.63 In light of the above officers are content that the residential standard of the proposed units within the amended scheme are of a high quality as they meet the relevant standards and policies.

### Child Play Space and Communal Amenity Space

- 8.64 The previously consented scheme (PA/13/03053) had a child yield of 40 and included 421sqm of child play space. The child yield generated by the amended development is 54, of which 20 are aged under 5, meaning that a minimum of 540sqm of child play space is required to be provided. The applicant has redesigned the landscaping proposals for the upper ground floor podium level which now includes an enlarged child play space area which totals 565sqm, thus exceeding the minimum requirement for child play space. In order to ensure that the design of the proposed child play space is acceptable a condition will be imposed requiring the applicant to provide further details of the proposed child play space, such as details of surface treatments and proposed equipment.
- 8.65 With respect to communal amenity space the amended proposal is required to provide a minimum of 200sqm of communal amenity space. The applicant has proposed to provide 3 communal roof gardens on the 4<sup>th</sup> floor of Block B and the 8<sup>th</sup> floor of Block A which together total 275sqm. In addition to this dedicated communal amenity space, the proposal also features circa 300sqm of landscaping at podium level (in addition to circulation spaces and child play space provision) which can be used by residents as informal communal amenity space.
- 8.66 In light of the above officers are content that the quantum and quality of both child play space and communal amenity space provision for the amended proposal is acceptable subject to the necessary conditions.



*Upper ground floor plan – the area hatched in light green represents 565sqm of child play space*

### Accessible Housing

- 8.67 The amended proposal seeks to provide a total of 16 wheelchair accessible units (designed in accordance with Part M4(3) of the Building Regulations 2015) representing 10% of the proposed residential units. The remaining 144 units will be designed to be accessible and adaptable (in accordance with Part M4(2) of the Building Regulations 2015). 4 of the wheelchair accessible units are to be in the form of social rented units, with the other 12 units being provided in the form of intermediate and private units. All of the wheelchair accessible units will have level access from the building cores (via a lift) to the communal amenity space and riverside walkway, as well as the 16 dedicated blue badge car parking spaces within the lower ground floor of the development (1 space per unit).
- 8.68 In order to ensure that the proposed wheelchair accessible units have been designed in accordance with Part M4(3) of the Building Regulations 2015 a condition requiring detailed layouts of the units at a scale of 1:50 will be imposed. The condition will also stipulate that the remaining 144 units within the development must be designed in accordance with Part M4(2) of the Building Regulations 2015. Subject to these conditions officers are therefore content that the proposed residential accommodation is acceptable in accessibility terms.

### Conclusion

- 8.69 Officers consider that as the proposal does not demonstrate symptoms of overdevelopment, provides the maximum viable level of affordable housing as well as a suitable mix of housing (including accessible housing), which is of a high standard, the application can be considered acceptable in housing terms.

## Amenity

### Policy Context

- 8.70 According to paragraph 17 of the NPPF local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.71 The Council's Core Strategy policy SP10 (4) seeks to ensure that development *"protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight)"*.
- 8.72 The Council's Managing Development Document policy DM25 states that *"development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm"*.

### Overlooking and Impact on Outlook, Privacy and Enclosure

- 8.73 The nearest residential properties to the site are no's 128 to 144 Leven Road (even numbers only), and the adjacent Devon's Wharf development. No residential properties lie to the east or north of the proposed development. The Leven Road properties are two and three stories in height and are situated to the south of the site and would look across Leven Road to Block B of the proposed development, situated on the opposite side of the road. The minimum distance between the front elevations of these houses and Block B would be approximately 17.5m (unchanged from consent PA/13/03053), which is considered to be acceptable as the public highway runs between them. The minimum distance between the recently completed adjacent Devon's Wharf development and the proposed development would be approximately 4m (unchanged from consent PA/13/03053). Whilst a series of habitable room windows within the Devon's Wharf development face out from the eastern elevation (towards the application site), in order to avoid neutralising the application site these habitable room windows have angled oriel windows. Furthermore any windows on the western elevations of both Blocks A and B have of the proposed development have been carefully sited in order to avoid any direct overlooking between the proposed development and the adjacent Devon's Wharf development. It should be noted that between these two residential schemes no habitable room windows would directly face each other within a 20m distance at an angle of 45 degrees or less. As such there are not considered to be any significant overlooking nor privacy issues as a result of the proposed development.
- 8.74 With respect to the impact of the proposed development on neighbouring outlook and sense of enclosure, it is considered that the minimum distance (17.5m) between the proposed development and the Leven Road properties, along with the fact that the scale of the development steps down towards Leven Road, mean that the impact on outlook and sense of enclosure for these properties will be minimal. For the adjacent Devon's Wharf development, it should be noted that the layout of the proposed development (through the inclusion of a central courtyard) takes into account window positions within the adjacent Devon's Wharf development, and as such cannot be considered to unduly impact upon the outlook or sense of enclosure of these properties either. As such there are not considered to any significant outlook nor enclosure impacts as a result of the proposed development.

### Daylight and Sunlight Implications for Neighbours

- 8.75 The applicant has undertaken a daylight and sunlight assessment which assesses the impact of the proposed development on a number of surrounding properties, namely 116-146 Leven Road (even numbers only) and Devon's Wharf. This report has also been reviewed by an independent daylight and sunlight specialist instructed by the Council.
- 8.76 With respect to the impact of the development on the daylight and sunlight levels of surrounding properties on Leven Road, it has been concluded that the proposed development would have a negligible impact on daylighting levels for numbers 116-126 Leven Road inclusive, and numbers 142-146 Leven Road inclusive, as the levels of loss for these properties would be within the BRE guidelines. No's 128 and 140 Leven Road would experience losses in daylighting levels marginally outside the BRE guidelines and this level of impact can be classed as minor adverse. No's 130 to 138 Leven Road would also experience losses in daylighting levels outside the BRE guidelines and this level of impact can be classed as moderate adverse. In most instances where there are daylighting losses outside the BRE guidelines the ADF (average daylight factor) levels are still BRE compliant indicating that they will still receive good levels of daylight. It should be noted that all of the affected windows to the aforementioned Leven Road properties are north facing and as such the proposed development will not impact the levels of sunlight received by these properties. In light of the above, the site's urban setting, and the fact that all of the affected properties also benefit from southerly aspects (on their alternate facades) which will be unaffected by this development and continue to afford these residents with good levels of daylight and sunlight, officers are content that the daylight and sunlight implications for the surrounding properties on Leven Road can be considered to be acceptable as the negative impact upon existing dwellings in Leven Road is very limited.
- 8.77 Within the adjacent Devon's Wharf development 41 windows will experience losses in daylighting levels outside the BRE guidelines, however in a number of instances these losses are only marginally outside of the BRE guidelines, and this level of impact can be classed as moderate adverse. It is noted however that there are some instances where there would be big reductions in daylighting levels and this can largely be attributed to the fact that the affected windows sit in very close proximity to the common boundary with the application site, arguably taking more than their fair share of light from the application site, and thus being a bad neighbour in this regard. In most instances the windows which are experiencing daylighting losses outside of the BRE guidelines are bedrooms (for which such losses are considered to be less important), and in most cases the ADF (average daylight factor) levels within these rooms are still BRE compliant indicating that they will still receive good levels of daylight. With regard to the sunlighting implications of the proposed development on Devon's Wharf, there are only a small number of instances where the losses would be outside of BRE guidelines, and these are largely only marginally outside of these guidelines, and as such these impacts can be classed as minor adverse. Given the above officers are content that the daylight and sunlight implications for the adjacent Devon's Wharf development can be considered to be acceptable as the negative impact upon existing dwellings in Devon's Wharf is very limited.
- 8.78 It should be noted that both BRE guidance and daylight analysis software has changed since the assessment of the previously consented scheme (PA/13/03053) took place and as such the two reports are not directly comparable. The daylight and sunlight analysis contained within this application has been undertaken in light of these updates and as such is in compliance with current BRE guidance. Whilst exact

changes between the consented scheme (PA/13/03053) and the currently proposed amended scheme can thus not be derived, it should be noted that the general implications of the amended scheme on surrounding properties (i.e. isolated instances of minor and moderate adverse impacts) are largely similar to the consented scheme (PA/13/03053), and the addition of the proposed further storeys to the development do not significantly worsen its overall impacts on surrounding properties.

#### Daylight and Sunlight Levels for the Development

- 8.79 With the exception of four rooms, all rooms within the proposed development meet the minimum BRE average daylight factor (ADF) guidelines. For the four rooms that do not meet this minimum it should be noted that they are all only marginally outside of the BRE guidelines, and given the urban setting of the development, officers are content that the levels of daylight afforded to future residents of the proposed development are acceptable.
- 8.80 In terms of the level of sunlight afforded to future residents of the proposed development, there are a small number of instances where windows do not receive APSH (annual probable sunlight hours) in line with BRE guidance, however a high number of these instances involve bedrooms (for which such levels are considered to be less important). Officers are however content that on balance, given the urban setting of the development, that such minor non-compliance is acceptable, and as such the levels of sunlight afforded to future residents of the proposed development is considered to be acceptable.

#### Noise

- 8.81 A noise assessment accompanies the application and concludes that the site is subject to moderately high levels of noise arising from traffic on the local road network, from aircraft, and from neighbouring commercial activities. The acoustic report provides a glazing specification for the new residential units to curb external noise transfer and in respect of construction detailing for noise transfer from the proposed commercial unit to the residential units above. Officers consider that the conclusions and recommendations of this report are acceptable subject to appropriate conditions being imposed.
- 8.82 The proposed commercial unit will be located some distance from Leven Road thereby minimising noise impact to neighbouring properties. The applicant is agreeable to a set of planning conditions which would control the hours of operation for future occupants of the commercial unit, impose acoustic noise level controls for any mechanical extract or ventilation equipment, and control waste and servicing management, in order to control potential disturbance arising from vehicular movements associated with the commercial unit.

#### Conclusion

- 8.83 Officers consider that as the proposal would not significantly adversely impact the amenity of surrounding residents and building occupiers, and would also afford future occupiers of the building a suitable level of amenity, the proposed development can be seen to be in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.

## Highways and Transportation

### Policy Context

- 8.84 Policy 6.3 of the London Plan (2016) states that *“development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network”*. Policy 6.9 states that *“developments should: provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards [...] and the guidance set out in the London Cycle Design Standards”*. Policy 6.13 states that *“in locations with high public transport accessibility, car-free developments should be promoted (while still providing for disabled people)”*. Finally policy 6.14 states that *“delivery and servicing plans [should be used] to minimise congestion impacts and improve safety”*.
- 8.85 Policy SP09 seeks to *“ensure new development has no adverse impact on the safety and capacity of the road network [and promotes] car free developments and those schemes which minimise on-site and off-site car parking provision, particularly in areas with good access to public transport”*.
- 8.86 The Council’s Managing Development Document policy DM20 states that *“development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network”*. Policy DM22 states that *“in order to ensure suitable provision for cyclists, development will be required to: meet, and preferably exceed, the minimum standards for cycle parking”*.

### Traffic and Highway Assessment

- 8.87 The application site has a PTAL rating of 1 meaning that it is in an area of very poor public transport accessibility. Notwithstanding this however the supporting transport assessment envisages that the majority of residents will use public transport to make journeys to their destinations, through the use of either Canning Town DLR / Jubilee Line station or Langdon Park DLR station which are both approximately a 17 minute walk away from the site, or local bus services which stop on both the nearby A12 and A13 roads. The number of public transport trips envisaged to be created by the proposed development, 62 in the AM peak and 33 in the PM peak (up from 48 in the AM peak and 26 in the PM peak under the consented scheme (PA/13/03053)), is considered to have a negligible impact on the public transport network, and as such the proposal is considered to be acceptable in terms of its implications for the local public transport network.
- 8.88 A small number of car trips are anticipated to be generated by the development in the form of 20 and 11 vehicle movements during the AM and PM peak hours respectively, an increase of 4 and 2 vehicle movements during the AM and PM peak hours respectively when compared to the previously consented scheme (PA/13/03053). The proposed commercial unit is also expected to generate 2 vehicle movements during the peak hours, however this is unchanged from the previously consented scheme (PA/13/03053). Given the low level of vehicle movements anticipated to be generated by the proposed development it can be concluded that this scheme will have a negligible impact on the local highway network.
- 8.89 In light of the above officers therefore consider that the proposed development can be seen to be acceptable in terms of its impacts upon the local highway and public

transport in accordance with policy SP09 of the Core Strategy (2010) and policy DM20 of the Managing Development Document (2013).

### Parking

- 8.90 In order to comply with the London Plan (2016) cycle parking standards a minimum of 265 long stay and 4 short stay cycle parking spaces are required to be provided for the residential element of the proposal, and 2 long stay cycle spaces and 8 short stay cycle spaces are required for the commercial element of the proposal. For the residential element of the proposal the applicant is proposing to provide 267 long stay cycle parking spaces within dedicated secure cycle stores within the lower ground floor along with 4 short stay cycle parking spaces within the public realm directly adjacent to the residential lobby of Block A, thus meeting the relevant standards. For the commercial element of the proposal the applicant is proposing to provide 12 cycle parking spaces adjacent to the commercial unit along the riverside walkway for use by both short and long stay users, and this provision also meets the relevant standards.
- 8.91 A total of 24 car parking spaces are to be provided within the lower ground floor level (as per the consented scheme (PA/13/03053)), and 16 of these are to be in the form of blue badge spaces (representing 1 space for every 10 units within the development) which is welcomed by officers as it is in compliance with the Mayor's Housing SPG. The overall proposed quantum of car parking being proposed is within the maximum standards set out by both LBTH and the London Plan and as such can be considered to be acceptable. Furthermore 5 of the proposed spaces (representing 20% of the total car parking provision) are to feature electric charging facilities which is in compliance with both LBTH and London Plan standards. In order to promote the use of sustainable transport modes and reduce reliance on private motor vehicles both a travel plan and on-street permit free agreement will be secured by means of a S.106 agreement.
- 8.92 In light of the above officers consider that the proposed development can be considered to be acceptable in terms of its proposed parking provision in accordance with policies 6.9 and 6.13 of the London Plan (2016), policy SP09 of the Core Strategy (2010) and policy DM22 of the Managing Development Document (2013).

### Servicing and Deliveries

- 8.93 Due to the design approach to the scheme and the scale of the site, it has not been possible to incorporate an off-street servicing yard within this development, a position unchanged from the previously consented scheme (PA/13/03053). As such all servicing and delivery activities will take place on-street (Leven Road). Given the fact that Leven Road is a very lightly trafficked street and is relatively wide officers are content that in this instance such a strategy in principle can be considered to be acceptable, and neither TFL nor LBTH highways officers have objected to this. In order to ensure that such a strategy does not adversely impact the local highway network a condition will be imposed requiring the submission and approval of a full servicing and delivery management plan for the development.
- 8.94 In light of the above officers are content that the proposal is in accordance with policy 6.14 of the London Plan (2016), policy SP09 of the Core Strategy (2010), and policy DM20 of the Managing Development Document (2013).

## Conclusion

- 8.95 Officers consider that as the proposal would not have a significant adverse impact upon the local highway and public transport network, would provide suitable parking arrangements, and would be serviced in a manner which would not adversely impact the local highway network, the proposal on balance is acceptable in transport and highways terms.

## **Refuse**

### Policy Context

- 8.96 Policy 5.17 of the London Plan (2016) states that development proposals should be *“minimising waste and achieving high reuse and recycling performance”*.
- 8.97 The Council’s Core Strategy policy SP05 (1) states that development should *“implement the waste management hierarchy of reduce, reuse and recycle”*.
- 8.98 The Council’s Managing Development Document policy DM14 (2) states that *“development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle”*.

### Assessment

- 8.99 The proposed development includes the provision of 3 large refuse stores within the lower ground floor level of the development for the residential units and a further separate smaller refuse store for the commercial unit, also located within the lower ground floor level. The proposed residential refuse stores are capable of housing 31 x 1,280 litre Eurobins (39,680 litres total) which is in excess of LBTH minimum refuse storage requirements. The largest refuse store (which is directly adjacent to Leven Road) has been designed to allow for the bins from the other smaller refuse stores to be moved on collection day and also features a designated area for the storage of bulky waste. The proposed commercial refuse store has also been designed to be of sufficient scale to accommodate the levels of waste expected to be generated by the proposed commercial unit.

## Conclusion

- 8.100 Officers consider that the proposed refuse strategy for the site is acceptable as the refuse stores are located in convenient locations, are of suitable sizes and have been designed with the Council’s waste management hierarchy of reduce, reuse and recycle in mind, in accordance with policy SP05 (1) of the Core Strategy (2010) and policy DM14 (2) of the Managing Development Document (2013).

## **Energy Efficiency and Sustainability**

### Policy Context

- 8.101 Policy 5.2 of the London Plan (2016) states that *“development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy: 1) be lean: use less energy, 2) be clean: supply energy efficiently, 3) be green: use renewable energy”*. Policy 5.3 states that *“the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to*



*adapt to the effects of climate change over their lifetime". Policy 5.6 states that "development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites". Policy 5.7 states that "within the framework of the energy hierarchy, major development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible". Finally policy 5.9 states that "major development proposals should reduce potential overheating and reliance on air conditioning systems".*

- 8.102 The Council's Core Strategy policy SP11 seeks to ensure that development helps to *"implement a borough-wide carbon emissions target of 60% below 1990 levels by 2025"*.
- 8.103 The Council's Managing Development Document policy DM29 details the necessary carbon reductions over and above the building regulations requirements and states that *"development will be required to connect to or demonstrate a potential connection to a decentralised energy system unless it can be demonstrated that this is not feasible or viable"* and that *"sustainable design assessment tools will be used to ensure climate change mitigation measures are maximised within development"*.

#### Assessment

- 8.104 The applicant has submitted both an energy and sustainability statement which detail how the London Plan energy hierarchy of 'be lean, be clean and be green' has been adhered to in the design of the proposed building, and how sustainable design features have been incorporated into the proposal. All reasonable endeavours have been made to reduce the amount of energy required by the building and supply it in the most efficient method possible which has led to the scheme achieving a 50% CO2 emission reduction over and above the building regulation 2010 baseline which is welcomed. The energy efficiency measures proposed include:
- high performance building fabric and energy efficiency lighting, services and controls to reduce energy demand for space heating, cooling, ventilation and lighting;
  - passive design measures to reduce energy demand;
  - a centralised CHP incorporated in parallel with highly efficient conventional gas-fired boilers, and;
  - future proofing the development to ensure a potential connection to any future district energy network.

In order to ensure that the proposed development meets the proposed 50% CO2 emission reduction target, a condition requiring the 'as built' CO2 emission reduction calculations to be submitted to the LPA will also be imposed, and in the event that the anticipated CO2 savings are not achieved then any shortfall would need to be met through a cash in lieu contribution to be paid to the carbon offset fund. A condition requiring updated thermal profiling details for the energy system to demonstrate that the CHP sizing has been optimised for the envisaged CO2 emission reductions (to take into account the larger amended proposal) will also be imposed.

- 8.105 Part (4) of policy DM29 in the Managing Development Document states that sustainable design assessment tools will be used to ensure that development achieves the highest levels of sustainable design and construction. It should be noted

that the Code for Sustainable Homes was abolished in 2015 and as such no longer applies to this development. As such the only sustainable design assessment tool relevant to this development is BREEAM which only covers the non-residential element of the proposal, and in order to meet policy DM29 the proposed commercial unit must be designed to achieve a BREEAM 'Excellent' assessment rating. The applicant has submitted a sustainability statement which shows that the proposed commercial unit is designed to achieve a BREEAM 'Excellent' rating with a score of 70.07% which is welcomed. In order to ensure that the development achieves this target a condition requiring the final certificate to be submitted within 3 months of completion of the development will be imposed.

### Conclusion

- 8.106 Officers consider that the proposed energy strategy for the site is acceptable as the proposal has been designed in compliance with the London Plan energy hierarchy, is to provide CO2 emission reductions over and above the building regulation 2010 baseline, and has been designed to be BREEAM 'Excellent' in accordance with policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development Document (2013).

### **Environmental Considerations**

#### Policy Context

- 8.107 Policies 5.10 and 5.11 of the London Plan state that *"development proposals should integrate green infrastructure" such as "roof, wall and site planting"*. Policy 5.12 of the London Plan states that *"development proposals must comply with the flood risk assessment and management requirements set out in the NPPF"*. Policy 5.13 states that *"development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for doing so"*. Policy 5.21 states that *"appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination"*. Policy 7.14 states that *"development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality"*. Finally Policy 7.19 states that *"development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity"*.
- 8.108 The Council's Core Strategy policy SP04 states that the Council will *"promote and support new development that provides green roofs, green terraces and other measures to green the built environment"* and that *"all new development that has to be located in a high risk flood zone must demonstrate that it is safe [and] that all new development across the borough does not increase the risk and impact of flooding"*.
- 8.109 The Council's Managing Development Document policy DM9 states that *"major development will be required to submit an Air Quality Assessment demonstrating how it will prevent or reduce associated air pollution during construction or demolition"*. Policy DM11 states that *"development will be required to provide elements of a 'living building'"* and will be required to deliver *"biodiversity enhancements in accordance with the Council's Local Biodiversity Action Plan"*. Policy DM13 states that *"development will be required to show how it reduces the amount of water usage, runoff and discharge from the site, through the use of appropriate water reuse and Sustainable Urban Drainage (SUD) techniques"*. Policy DM30 states that *"where development is proposed on contaminated land or potentially contaminated land, a site investigation will be required and remediation*

*proposals agreed to deal with the contamination before planning permission is granted”.*

#### Air Quality

- 8.110 The applicant has submitted an air quality assessment which assesses the existing air quality of the site and surroundings as well as the level of emissions from transport generated by the proposed use and the building itself. The assessment concludes that in this instance any emissions generated by the proposed development are below the benchmarks detailed in relevant policy and guidance and therefore the development meets the requirement to be ‘Air Quality Neutral’, and as such no mitigation measures are required in this instance.
- 8.111 The previously approved construction environmental management plan (under consent PA/16/00118) covered the generation of dust and air quality during the construction process and set out a range of mitigation/management measures which are to be used to ensure that there is no significant impact on air quality during the demolition and construction phases of the development. A compliance condition requiring the amended proposed development to be carried out in accordance with this previously approved document will be imposed.
- 8.112 The above documents have been reviewed by the Council’s air quality officers who have concurred with the results of the submitted reports and have thus raised no objections to the development. As such officers consider that the proposed development is acceptable in air quality terms.

#### Biodiversity

- 8.113 The siting of the proposed buildings remains unchanged from the consented scheme (PA/13/03053) and as such the 8m set back from the River Lea and Bow Creek, which fall within a Site of Importance for Nature Conservation (SINC) (as required by the Environment Agency), still forms a part of the proposed development.
- 8.114 The applicant has submitted a habitat survey with the application which demonstrates that the application site itself has no significant biodiversity value. The proposed development involves a number of biodiverse and brown roofs across both blocks, along with areas of nectar rich planting for wildlife, which is welcomed as they will contribute towards the Local Biodiversity Action Plan (LBAP). Further details of the proposed biodiversity enhancements will be secured via condition and subject to the approval of the Council’s biodiversity officer, to ensure that the proposed biodiversity enhancements contribute towards the LBAP.
- 8.115 In order to ensure that the proposed development does not have any adverse impact on the adjacent SINC, full details of the proposed lighting across the site (both within the development itself and on the adjacent river walkway) will be secured via condition and subject to the approval of the Council’s biodiversity officer, to ensure that there is no light spill onto Bow Creek. In light of the above officers consider that the proposed development is acceptable in biodiversity terms.

#### Contaminated Land

- 8.116 The consented scheme (PA/13/03053) included a condition which required a written scheme of investigation to be submitted prior to the commencement of development and a verification report detailing the remediation works to be submitted prior to the first occupation of the development. The written scheme of investigation has already

been approved (under consent PA/16/00118), whilst the verification report detailing the remediation works is yet to be submitted as the scheme has not yet been occupied. Given that construction works have progressed beyond ground level works, officers are content to impose a compliance condition requiring the amended proposed development to be carried out in accordance with the previously approved written scheme of investigation as well as a condition requiring the submission of a verification report detailing the remediation works prior to the first occupation of the development. In light of the above officers consider that the proposed development is acceptable in contaminated land terms.

### Flood Risk

- 8.117 The application site falls within Flood Risk Zone 3 of the Environment Agency (EA) map, where the annual probability of fluvial flooding is classified as greater than 1 in 100 and the annual probability of tidal flooding is classified as greater than 1 in 200. Whilst Flood Risk Zone 3 represents an area with the highest level of flood risk, it should be noted that this area is well protected by the Thames Barrier.
- 8.118 The application is supported by a flood risk assessment which describes various potential flood mitigation measures and contains a structural review of the River Lea flood wall. Site-specific tidal breach flood levels have been provided for the subject site in the event of a breach of the defences along the River Lea (Bow Creek) which show that a 1 in 200 year breach event would only affect the south eastern tip of the application site, comprising less than 5% of the total site area. The flood hazard level for the area of the site affected is classified as 'low'. The proposed mitigation measures include locating less flood sensitive uses in the lower ground floor of Block A with residential uses located above, and also designing all residential units located within the lower ground floor level of Block B as duplex units with their bedrooms located on the upper storey. In light of the above officers consider that the proposed development is acceptable in flood risk terms.

### SUDS

- 8.119 The proposed flood risk assessment also includes details of how SUDS (Sustainable Urban Drainage) features have been incorporated into the development, mainly through the inclusion of rain water harvesting, green roofs and permeable paving. Further details of the proposed SUDS measures have already been approved (under consent PA/16/00912), and as such a compliance condition requiring the amended proposed development to be carried out in accordance with the previously approved details will be imposed.

### Conclusion

- 8.120 Officers consider that the proposal is acceptable in air quality, biodiversity, contaminated land, flood risk and SUDS terms and can thus be considered to be in accordance with the relevant policies of the London Plan, Core Strategy (2010) and Managing Development Document (2013) as set out within the policy context section of this chapter.

### **Planning Contributions**

- 8.121 The Council's Core Strategy policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's recently adopted 'Planning

Obligations' SPD (2016) sets out in more detail how these impacts can be assessed and appropriate mitigation secured.

8.122 The NPPF requires that planning obligations must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and,
- Are fairly and reasonably related in scale and kind to the development.

8.123 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

8.124 This is further supported by policy SP13 of the Core Strategy (2010) which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

8.125 The Council's current Supplementary Planning Document on Planning Obligations was adopted in September 2016. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the Core Strategy (2010).

8.126 The general purpose of S.106 contributions are to ensure that development is appropriately mitigated in terms of impacts.

8.127 The previously consented scheme (PA/13/03053) was granted planning permission prior to the adoption of the Tower Hamlets CIL and thus did not pay any Tower Hamlets CIL, however did pay the Mayor of London's CIL charge of £361,935 and provide the following financial and non-financial contributions under a S.106 agreement:

#### *Financial Obligations*

- a) A contribution of **£8,684** towards enterprise and employment
- b) A contribution of **£31,298** towards leisure and community facilities
- c) A contribution of **£8,096** towards libraries facilities
- d) A contribution of **£93,214** to mitigate against the demand of the additional population on educational facilities
- e) A contribution of **£32,681** towards public open space
- f) A contribution of **£41,021** towards health facilities
- g) A contribution of **£25,100** towards carbon off-setting
- h) A contribution of **£4,900** towards S.106 monitoring

Total: **£244,994**

#### *Non-Financial Obligations*

- a) 30% affordable housing, as a minimum, by habitable room with 70.9% as rent and 29.1% as intermediate
- b) Employment and training strategy
- c) Access to employment (20% local procurement; 20% local labour in construction; 20% end phase local jobs)
- d) On-street parking permits removed for future occupants
- e) Basement car parking spaces for new residents eligible for the Council's permit transfer scheme

- f) Travel plan
- g) Permanent public access to the river walkway and the path located within the development site leading to the walkway from Leven Road.
- h) Development viability review clause inserted to secure any uplift for an additional affordable housing contribution gained from any unanticipated rise in values of the market sales
- i) S.278 agreement for any works which affect / improve the public highway and for the alterations to the existing crossovers, including the removal / relocation of any redundant crossover(s) and reinstating back to footway

8.128 Since the granting of the previous consent (PA/13/03053) the Tower Hamlets CIL has been adopted (which replaces the majority of contributions previously secured under a S.106 agreement) and S.106 contributions are now secured in line with the Planning Obligations Supplementary Planning Document (September 2016). The proposed development thus attracts a Tower Hamlets CIL payment of £396,099, and will also attract a charge of £371,364 under the Mayor of London's CIL, as well as the following financial and non-financial contributions under a S.106 agreement:

*Financial Obligations*

- a) A contribution of **£61,984.77** towards enterprise and employment
- b) A contribution of **£1,217,699** towards affordable housing provision
- c) A contribution of **£4,000** towards S.106 monitoring
- d) A cash in lieu contribution towards the carbon offset fund (if required)

Total: **£1,283,683.77**

*Non-Financial Obligations*

- a) 30.75% affordable housing, as a minimum, by habitable room with 69.4% as rent and 30.6% as intermediate
- b) Employment and training strategy
- c) Access to employment (20% local procurement; 20% local labour in construction; 20% end phase local jobs)
- d) On-street parking permits removed for future occupants
- e) Permanent public access to the river walkway and the path located within the development site leading to the walkway from Leven Road.

8.129 All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and Regulation 122 and 123 tests.

**9.0 FINANCIAL CONSIDERATIONS**

Localism Act (amendment to S70(2) of the TCPA 1990)

9.1 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

9.2 Section 70(4) defines "local finance consideration" as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy

9.3 In this context “grants” might include New Homes Bonus. The New Homes Bonus payment associated with this development would be £1,512,437 (accumulated over a period of 6 years).

9.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The CIL payment associated with this development would be £371,364.

9.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015. The CIL payment associated with this development would be £396,099.

## **10.0 EQUALITIES ACT CONSIDERATIONS**

10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **11.0 HUMAN RIGHTS CONSIDERATIONS**

11.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:

11.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person’s civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

11.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

11.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

11.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

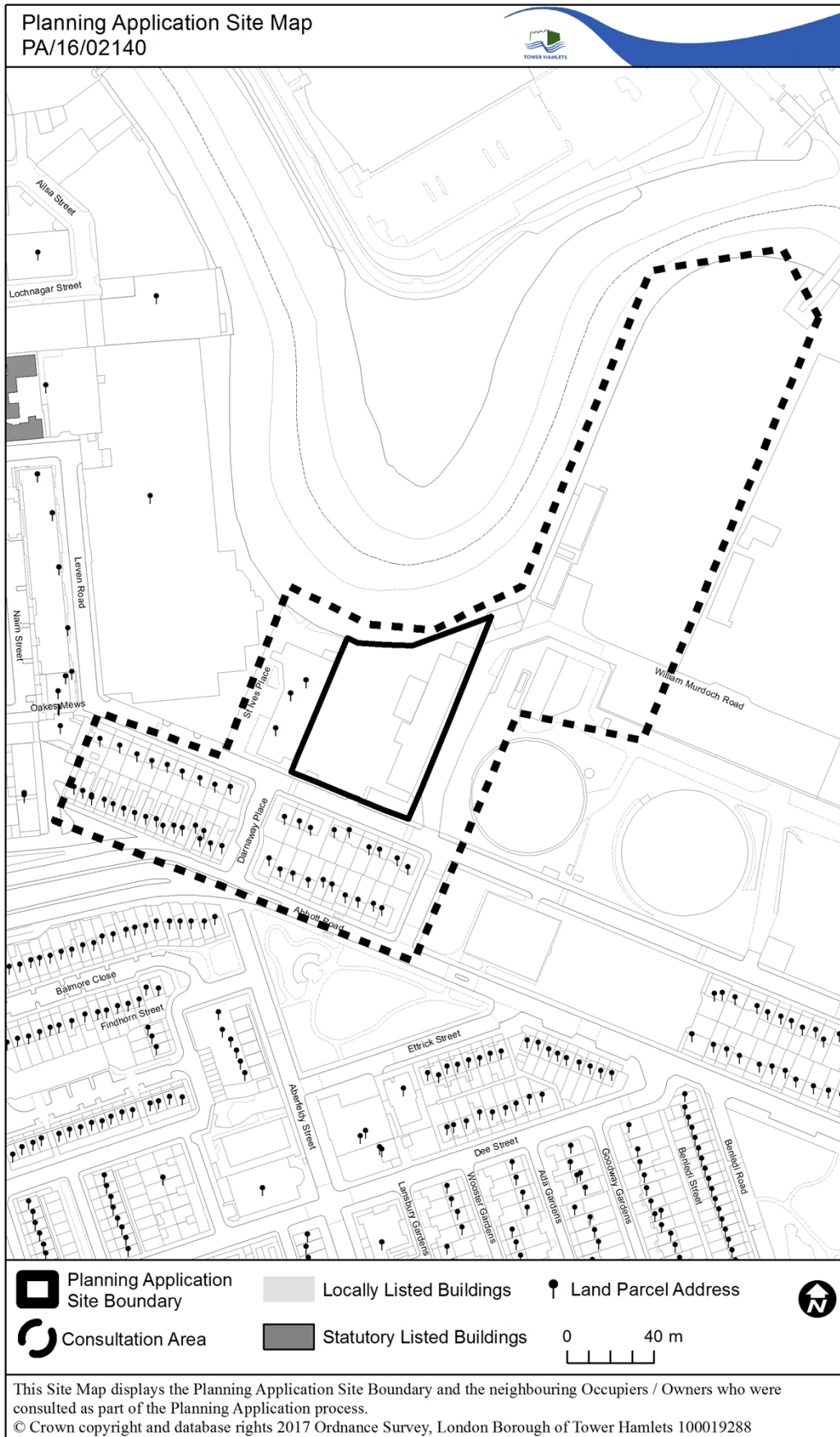
11.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

## **12.0 CONCLUSION**

12.1 All other relevant policies and considerations have been taken into account. Planning permission should be GRANTED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.



# 13.0 SITE MAP



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# Agenda Item 5.2

<b>Committee:</b> Strategic Development	<b>Date:</b> 23 March 2017	<b>Classification:</b> Unrestricted
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<b>Report of:</b> Director of Place	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Piotr Lanoszka	<b>Ref No:</b> PA/16/02956
	<b>Ward:</b> Canary Wharf

## 1.0 APPLICATION DETAILS

- Location:** 10 Bank Street, London, E14  
(eastern part of the site known as Heron Quays West)
- Existing Use:** Cleared cofferdammed land used to facilitate construction of the 1 Bank Street development.
- Proposal:** Construction of a building of 166m AOD comprising 124,734sqm (GIA) of office (Use Class B1) and 293sqm (GIA) of retail (Use Class A1-A5) along with a decked promenade to the West India Dock South, access and highways works, landscaping and other associated works.
- Drawings:** A-0010 rev 00, A-0011 rev 00, A-0012 rev 01, A-0201 rev 01, A-0202 rev 00, A-0203 rev 01, A-0331 rev 00, A-0332 rev 00, A-0333 rev 00, A-0334 rev 00, A-0335 rev 00, A-0336 rev 00, A-0204 rev 01, A-0330 rev 00, 780-60980 rev C, 780-60985 rev C, 780-60990 rev C, 780-61000 rev D, 780-61005 rev C, 780-61010 rev C, 780-61020 rev C, 780-61030 rev C, 780-61040 rev C, 780-61050 rev C, 780-61060 rev C, 780-61070 rev C, 780-61080 rev C, 780-61090 rev C, 780-61100 rev C, 780-61110 rev C, 780-61120 rev C, 780-61130 rev C, 780-61140 rev C, 780-61150 rev C, 780-61160 rev C, 780-61170 rev C, 780-61180 rev C, 780-61190 rev C, 780-61200 rev C, 780-61210 rev C, 780-61220 rev C, 780-61230 rev C, 780-61240 rev C, 780-61250 rev C, 780-61260 rev C, 780-61270 rev C, 780-61280 rev C, 780-61290 rev C, 780-61300 rev C, 780-61310 rev C, 780-61320 rev C, 780-S6000 rev D, 780-S6001 rev D, 780-S6002 rev 00, 780-S6003 rev 00, TOWN583.02(08)5002 rev R01, TOWN583.02(08)5003 rev R01, and TOWN583.02(08)5010 rev R01.
- Documents:**
- Planning Statement by DP9 Ltd;
  - Statement of Community Involvement by Heron Quays

- West Limited Partnership ;
- Design and Access Statement by Kohn Pedersen Fox;
  - Environmental Statement Volumes 1-4 by Ramboll Environ;
  - Environmental Statement Non-Technical Summary by Ramboll Environ;
  - Transport Assessment by Steer Davies Gleave;
  - Framework Travel Plan by Steer Davies Gleave;
  - Energy Strategy by WSP;
  - Sustainability Strategy by WSP;
  - Aviation Assessment by Eddowes Aviation Safety; and
  - Television and Radio Interference Assessment by Hoare Lea.

**Applicant and owner:** Heron Quays West Limited  
(A subsidiary of Canary Wharf Group)

**Historic Building:** Adjacent to Grade I listed Middle Dock Banana Wall

**Conservation Area:** None

## 2.0 EXECUTIVE SUMMARY

- 2.1 This report considers an application for planning permission for the erection of a 31 storey, high-rise, large floorplate office building within the Canary Wharf Estate. Officers recommend approval of planning permission.
- 2.2 The acceptability of the general principles of the development, including its broad massing, height, land use, floorspace and dock intake and coverage have been established through previous consents for high-rise office developments on this site as detailed in the report. There have not been any significant policy developments since the granting of previous consents to justify taking a different view in this instance.
- 2.3 The site is within Canary Wharf Major Centre and Preferred Office Location (POL), the proposed development would accord with the land use policies in place for the area and make a significant contribution to the economy, providing employment for some 7,675 people.
- 2.4 A publicly accessible dock-side promenade with retail units and public sitting opportunities would be created around the southern and eastern edges of the site, linking with the new promenade at 1 Bank Street, activating the water edge and providing better opportunities for the enjoyment of the open space.
- 2.5 In order to facilitate the construction of the dock-side promenade, to align with the adjoining 1 Bank Street scheme and to allow creation of larger, more functional floor plates necessary to attract potential business occupiers, the proposal involves further encroachment into the South Dock through extension of decking. The increase in water displacement is minimal at about 14sqm but the additional area covered by decking would measure approximately 238sqm (a further extension of 3m across the southern edge of the site in comparison to the approved outline scheme). This is unfortunate but given the particular circumstances of the site, is considered to be

largely unavoidable and necessary to facilitate a high quality development in this location.

- 2.6 Careful consideration has been paid to the further coverage of the South Dock and the resulting harm. Officers consider that the minor harm is justified in planning terms given the public benefits of the scheme including through provision of better public realm, place making, significant employment provision and economic benefits including the contribution to maintaining the strategic role of Canary Wharf as an internationally significant financial and business centre. Any harm to biodiversity would be mitigated with an overall net benefit delivered in the long term.
- 2.7 The building has been designed by Kohn Pedersen Fox (KPF) and would be of a high architectural quality. It would complement the adjoining scheme at 1 Bank Street and appropriately respond to the setting of the site. The building would be lower than previously approved and of a broadly similar massing. The proposal would not result in any significant adverse heritage impacts and there would be no significant impact on the setting of the Greenwich World Heritage Site.
- 2.8 With regard to amenity, given the significant separation distance from the nearest residential properties, there would not be a detrimental impact with regarding to overlooking, loss of privacy, outlook or sense of enclosure. As the site is to the north of the relevant residential properties, there would be no sunlight losses. With regard to daylighting, there would be a minor adverse impact on a limited number of properties. This impact would be broadly similar to that of the previously approved scheme and, on balance, is not considered to unacceptably prejudice the living conditions of the occupiers of the affected properties.
- 2.9 Given the reduction in floorspace and car parking spaces from the previous development proposals approved by the Council, the highways and transportation impacts of the proposal are likely to be lower than previously approved and do not raise concerns.
- 2.10 Subject to the recommended conditions and planning obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material considerations which would indicate that it should be refused.

### **3.0 RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 Any direction by the London Mayor.
- 3.3 The prior completion of a legal agreement to secure the following planning obligations:

#### Financial obligations:

- a) £500,108 towards construction phase employment skills and training
- b) £3,131,400 towards end-user phase employment skills and training
- c) £489,420 towards carbon off-setting

- d) £19,358,968 Crossrail CIL top-up contribution (on the basis of estimated CIL liability of £4,375,945)
- e) £3,000 monitoring fee (£500 per each substantial Head of Terms)

Total financial contribution: £23,482,896

Non-financial obligations:

- f) Access to employment
  - 20% local procurement
  - 20% local labour in construction and end-user phases
  - 21 construction apprenticeships
  - 31 end-user apprenticeships
- g) Travel plan for end-user phase
- h) TV reception mitigation
- i) Public access to public realm areas including dockside promenade
- j) Compliance with Considerate Constructors Scheme & LBTH Code of Construction Practice
- k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

3.6 Conditions:

Compliance

- a) Compliance with plans
- b) 3 year commencement time limit
- c) Compliance with energy and sustainability strategies, BREEAM 'Excellent'
- d) Provision and retention of cycle, car and motorcycle parking facilities including blue badge spaces and electric vehicle charging points
- e) Noise standards for plant and ventilation systems, extract system standards for restaurant units

Pre-commencement

- f) Construction Environmental Management Plan including measures to protect amenity, minimise noise & air pollution, working hours restrictions
- g) Construction Logistics Plan including travel plan for construction workers, measures to safeguard DLR viaduct and waterborne transport feasibility study and measures to maximise waterborne transport (in consultation with TfL)
- h) Piling Method Statement to safeguard sewerage infrastructure (in consultation with Thames Water)
- i) Land contamination remediation

Pre-superstructure

- a) Samples and mock-ups of all facing materials, elevation detailing
- b) Biodiversity enhancement measures

Prior to relevant works

- c) Details of surface water drainage & SUDS (in consultation with Canal & River Trust)
- d) Water supply (in consultation with Thames Water)
- e) Landscaping including details of soft & hard landscaping, lighting, security measures, public art and inclusive access provisions
- f) Heating system specification – air quality
- g) Details of construction cranes (in consultation with London City Airport)

Pre-occupation

- h) Delivery, Servicing and Waste Management Plan
- i) Parking Management Plan

### 3.7 Informatives:

- a) Thames Water
- b) Natural England
- c) Canal & River Trust
- d) Community Infrastructure Levy

3.8 Any other conditions or informatives as considered necessary by the Corporate Director for Development & Renewal.

## 4.0 PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1 The application proposes construction of a 31 storey high rise office tower measuring 166m AOD in height and comprising 124,734sqm GIA of office (Use Class B1) and 293sqm GIA of retail (Use Class A1-A5) along with a decked promenade to the South Dock, access and highways works, landscaping and other associated works.
- 4.2 The building would include a 2 storey basement (deeper level including a mezzanine floor) with parking facilities, plant, servicing areas and storage, a double-height ground floor with (mezzanine at the rear) housing principally office lobbies, servicing areas and retail units. Office accommodation would be on floors 1 to 25, with plant on 26<sup>th</sup> and 27<sup>th</sup> floor and the top of the building at floors 28, 29 and 30 principally dedicated to office amenity areas.
- 4.3 1,442 cycle parking spaces, 25 car parking spaces (including 4 wheelchair accessible) and 37 motorcycle parking bays would be provided.
- 4.4 The architecture of the scheme is contemporary, characterised by division of the massing into three vertically accentuated interlocking volumes. The building has been designed by Kohn Pedersen Fox (KPF) Associates and would be principally faced in glass with metal framing.

- 4.5 The proposal includes a publicly accessible dock-edge decked promenade from the north-eastern corner of the site to its south-western corner, linking with the decked promenade of the high-rise office tower at 1 Bank Street.
- 4.6 The site benefits from an extant permission for an office development of broadly similar parameters as those currently proposed (outline planning permission ref PA/13/01150 and reserved matters approval PA/14/01664). The below table compares the current proposal to the outline permission and reserved matters:

	Outline permission	Reserved matters	As proposed
Office floorspace	129,857sqm GIA	105,170sqm GIA	124,734sqm GIA
Retail Floorspace	785sqm GIA	0	293sqm GIA
Height	191.5m AOD	147m AOD	166m AOD
Basement extension into dock	30.5m	30.5m	30.5m
Area of water displacement by basement/piles	2410sqm	2410sqm	2424sqm
Extent of decking over dock	7.4m	6.4m	10.4m
Area of decking	~ 589sqm	509sqm	827sqm

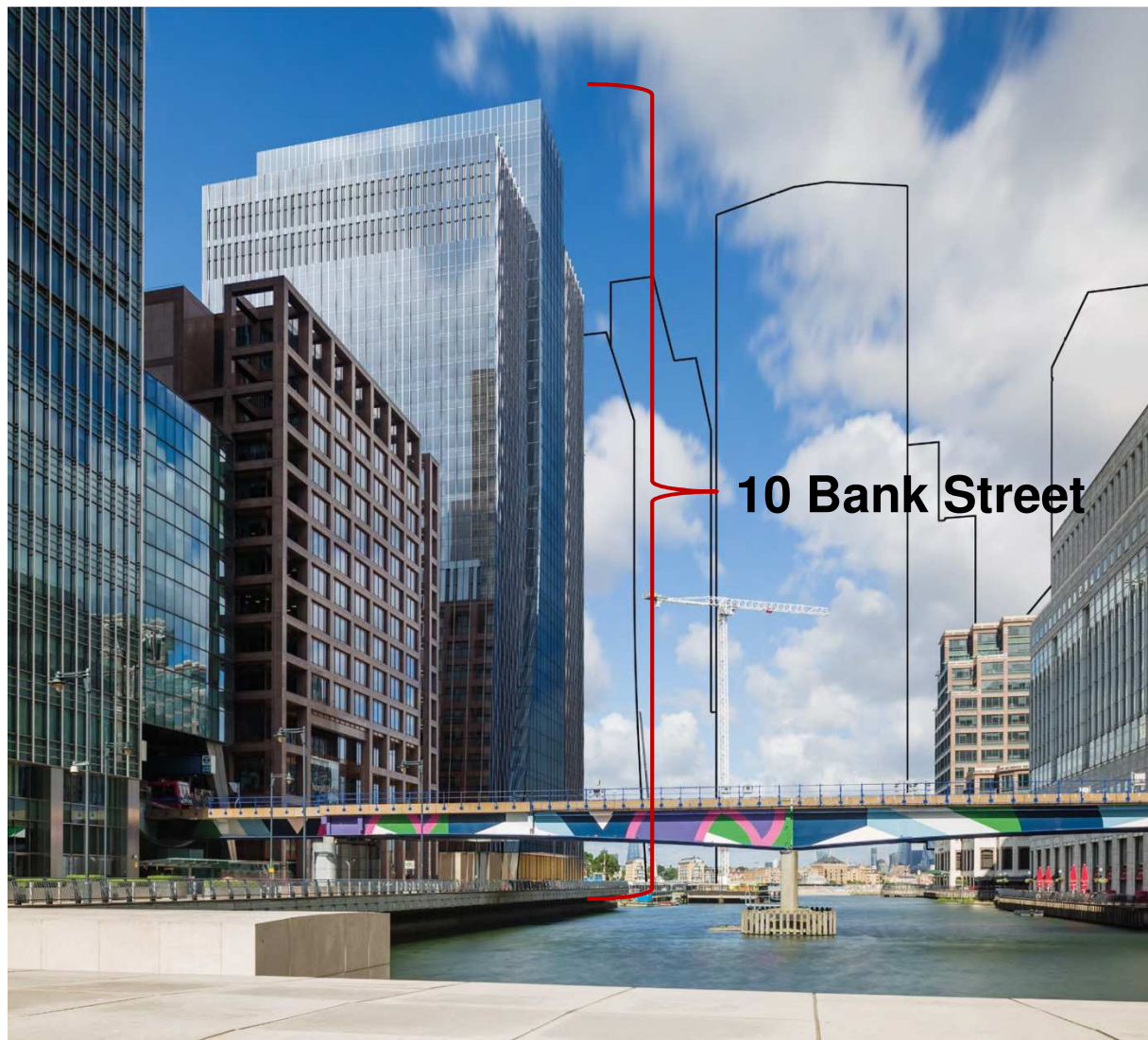


Figure 1 – Verified cumulative view of the proposal from the Jubilee Plaza



## Site and Surroundings

- 4.7 The application site is broadly square in shape and measures 0.65 hectare. It is located within the south-western part of the Canary Wharf Estate, on the south side of Bank Street and to the north of the South Dock. To the west, the site is bounded by the development site of 1 Bank Street, a 27 storey office tower, while to the east by a short and narrow canal linking the Middle and South docks. Further east lies 20 Bank Street, a 14 storey office building.



Figure 2 – Site location plan showing previous extent of dock, prior to construction of the cofferdam at the site and at 1 Bank Street, immediately to the west.



Figure 3 – Aerial view of the site, looking east.

- 4.8 The site has been cleared a number of years ago with a cofferdam constructed. It is currently used as part of the construction compound of the 1 Bank Street development. The development site, together with the 1 Bank Street site and the 'Quay Club' site located across Bank Street, was previously known as Heron Quays West and was previously occupied by 11 low-rise buildings known as 'the red sheds'. The buildings provided office & training centre accommodation and included Skillsmatch, East London Business Place and the former George Brumwell Learning Centre. The site was cleared with the cofferdam constructed in preparation for the redevelopment of the site with Skillsmatch and the East London Business Place relocated (pursuant to the 1 Bank Street S106 Agreement).
- 4.9 The site is located within the Isle of Dogs & South Poplar Opportunity Area and forms part of the Canary Wharf Major Centre and Preferred Office Location. The northern part of the opportunity area is part of the Central Activities Zone for the purpose of the office policies of the London Plan due to its internationally significant clustering of financial services. The site is within Flood Zone 3 and, as the whole borough, is a designated Air Quality Management Area. West India Docks, together with Millwall Docks, are a Site of Importance for Nature Conservation (SINC) and form part of the Blue Ribbon Network.
- 4.10 The site contains no listed buildings and is neither located within a conservation area nor a strategic viewing corridor of the London View Management Framework. Nonetheless, the proposed development would be visible in views from the Maritime Greenwich World Heritage Site. The nearest listed structures are the Grade I quay walls, copings and buttresses to the Import and Export Docks, with the southernmost

quay wall located on the northern side of Bank Street, and the Grade II former west entrance to the South Dock located on the western side of Westferry Road, over 120m west of the application site. The nearest conservation areas are the West India Dock Conservation Area – over 400m to the north, the Narrow Street Conservation Area – over 500m to the north-west, the St Matthias Church Conservation Area – over 650m to the north-east, and the Coldharbour Conservation Area – over 750m to the east. These conservation areas contain a significant number of Grade II listed buildings as well as some Grade I and locally listed buildings.

- 4.11 Bank Street is a private road forming part of the Canary Wharf Estate. The nearest adopted highways are Westferry Road and Marsh Wall. The site benefits from excellent access to public transport with the highest PTAL rating of 6b. The area is served by a number of bus routes, a number of DLR stations (the closest being the Heron Quays Station) and the Canary Wharf Jubilee Line Station. The Elisabeth Line (formerly known as Crossrail) is due to commence operation in December 2018. There is a number of Cycle Hire stations in the vicinity, the closest located adjacent to 20 Bank Street.
- 4.12 The site is located close to the south-western edge of the Canary Wharf cluster with its vicinity dominated by high-rise office towers. The nearest existing office buildings are to the east along Bank Street, including neighbouring 20 Bank Street, as well as the offices surrounding Cabot Square on the north side of Middle Dock and the Island Quay office building at 161 Marsh Wall, across the South Dock. The nearest existing residential properties are within the East and West towers of the Landmark Square development, over 110m to the south-west of the site, across the South Dock. The International Hotel, at 163 Marsh Wall, is some 100m to the south of the site, also across the South Dock.
- 4.13 There is a large number of commercial and residential development sites within the vicinity, including the office towers at: 1 Bank Street – immediately to the west, 1 Park Place – to the north, across Middle Dock and Riverside South – on the western side of Westferry Road; and the high-rise residential schemes: Newfoundland – at the western end of Middle Dock, City Pride – at 15 Westferry Road and Arrowhead Quay – on Marsh Wall, to the east of the International Hotel.
- 4.14 To the north is the marine slab pontoon, site of the ‘Quay Club’ application.

## **Planning History**

### Application site

- 4.15 Full planning permission, ref PA/07/03088, granted 17/12/2008, for:

*Demolition of the existing buildings and structures on the site, partial infilling of South Dock and its redevelopment by:*

- *Erection of a part 12 storey, part 21 storey and part 33 storey building comprising Class B1 offices; construction of 3 levels of basement for Class A retail units, underground parking, servicing & plant;*
- *Construction of a subterranean pedestrian link to the Jubilee Place Retail Mall and the Jubilee Line Station incorporating Class A retail accommodation;*
- *Erection of a 4 storey building for Class A3 (restaurant and cafe) and A4 (drinking establishments) uses, and/or at first and part second floor level Class D1 (training centre);*

- *Relocation of the canal between South Dock and Middle Dock from the eastern to western part of the application site;*
- *Provision of a new publicly accessible open space;*
- *Associated infrastructure and landscaping together with other works incidental to the application.*

[This permission covered the entire Heron Quays West site, including the sites of 1 & 10 Bank Street and the 'Quay Club'. The approved AOD height of the office building was 101.75m for the 12 storey element, 153.80m for the 21 storey element and 204.90m for the 33 storey element. The total office floorspace was 193,175sqm GEA with 2454sqm GEA of retail floorspace within the office building and 4,255sqm retail & leisure within the 'Quay Club' pavilion. The permission provided for 125 car parking spaces.]

- 4.16 Outline planning permission (all matters reserved), ref PA/13/01150, granted 06/11/2013, for:

*Demolition of existing buildings and structures and erection of a new building with a maximum height of 191.5 metres AOD comprising a maximum of 129,857 square metres GIA of office floor space (Use Class B1) and a maximum of 785 square metres GIA of flexible floor space (Use Class A1,A2, A3, A4 and A5) along with a decked promenade to the South Dock, access and highways works, landscaping and other associated works.*

[This permission was principally for the 10 Bank Street site and allowed for a maximum incursion of 30.5m into South Dock with a maximum deck extent of 7.4m over the dock.]

- 4.17 Approval of all reserved matters pursuant to the above permission was granted on 30<sup>th</sup> March 2015 under ref PA/14/01664.

[The approval was for an office building 147m AOD high housing 105,170sqm GIA of office accommodation with no retail floorspace. The basements extended 30.5m into South Dock with a decking of a further 6.4m. The car parking provision was for 11 spaces (out of a maximum of 86 as specified by the outline permission.)]

- 4.18 Enabling works at the application site took place under full planning permissions granted on 17/07/2014:

- PA/14/01373 for the construction of a secant piled wall
- PA/14/01372 for temporary cofferdam works

Adjoining sites, formerly also part of the Heron Quays West site

1 Bank Street

- 4.19 Full planning permission ref PA/14/02617 granted on 30<sup>th</sup> March 2015, for:

*Erection of a 27 storey building comprising offices (Use Class B1) and retail (Use Class A1-A5) including three basement levels, partial infilling of South Dock, ancillary parking and servicing, access and highways works, landscaping and other works incidental to the application.*

[The scheme is currently under construction. The approval is for 114,345 GIA of office and 113 GIA of retail, including 29 car parking spaces and a decked promenade along the northern edge of the South Dock.]

'Quay Club'

- 4.20 Full planning permission application (Strategic Development Committee resolution to grant - issue of decision pending completion of S106 agreement) ref PA/16/00900, for:

*Demolition of the existing concrete slab and associated infrastructure; alterations to Bank Street including the removal of existing coping stones above the existing Banana Wall to enable the installation of proposed utilities services and future deck; the installation of new piles in the Bank Street; and the erection of a five storey building on the existing marine piles for use as a members club (Use Class Sui Generis) and other associated works incidental to the development.*

## **5.0 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 Government Planning Policy**

National Planning Policy Framework 2012  
Planning Policy Guidance 2014 with subsequent alterations

### **5.3 London Plan 2016**

- 2.9 - Inner London
- 2.10 - Central Activities Zone: strategic priorities
- 2.11 - Central Activities Zone: strategic functions
- 2.13 - Opportunity areas and intensification areas
- 3.1 - Ensuring equal life chances for all
- 4.1 - Developing London's economy
- 4.2 - Offices
- 4.3 - Mixed use development and offices
- 4.7 - Retail and town centre development
- 4.8 - Supporting a successful and diverse retail sector
- 4.12 - Improving opportunities for all
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.4A - Electricity and gas supply
- 5.5 - Decentralised energy networks
- 5.6 - Decentralised energy in development proposals
- 5.7 - Renewable energy
- 5.8 - Innovative energy technologies
- 5.9 - Overheating and cooling
- 5.10 - Urban greening
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.14 - Water quality and wastewater infrastructure
- 5.15 - Water use and supplies
- 5.16 - Waste net self-sufficiency
- 5.17 - Waste capacity

- 5.18 - Construction, excavation and demolition waste
- 5.21 - Contaminated land
- 6.3 - Assessing effects of development on transport capacity
- 6.5 - Funding Crossrail and other strategically important transport infrastructure
- 6.7 - Better streets and surface transport
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Lifetime neighbourhoods
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and archaeology
- 7.10 - World Heritage Sites
- 7.11 - London View Management Framework
- 7.13 - Safety, security and resilience to emergency
- 7.14 - Improving air quality
- 7.15 - Reducing noise and enhancing soundscapes
- 7.18 - Protecting open space and addressing deficiency
- 7.19 - Biodiversity and access to nature
- 7.24 - Blue Ribbon Network
- 7.26 - Increasing the use of the Blue Ribbon Network for freight transport
- 7.27 - Blue Ribbon Network: supporting infrastructure and recreational use
- 7.28 - Restoration of the Blue Ribbon Network
- 7.30 - London's canals and other rivers and waterspaces
- 8.2 - Planning obligations

#### 5.4 **Core Strategy 2010**

- SP01 - Refocusing on our town centres
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP06 - Delivering successful employment hubs
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero carbon borough
- SP12 - Delivering placemaking
- SP13 - Planning obligations

#### 5.5 **Managing Development Document 2013**

- DM0 - Delivering sustainable development
- DM1 - Development within the town centre hierarchy
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM12 - Water spaces
- DM13 - Sustainable drainage
- DM14 - Managing waste
- DM16 - Office locations
- DM20 - Supporting a sustainable transport network

- DM21 - Sustainable transportation of freight
- DM22 - Parking
- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 - Amenity
- DM26 - Building heights
- DM27 - Heritage and the historic environment
- DM28 - World Heritage Sites
- DM29 - Achieving a zero carbon borough and addressing climate change

## 5.6 Other Material Planning Documents

- Planning Obligations SPD (LBTH 2016)
- Control of Dust and Emissions during Construction and Demolition SPG (GLA 2014)
- Accessible London: Achieving an Inclusive Environment SPG (GLA 2014)
- Sustainable Design and Construction SPG (GLA 2013)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)
- Central Activities Zone SPG (GLA 2016)
- Use of Planning Obligations in the Funding of Crossrail SPG (GLA 2013)
- London View Management Framework SPG (GLA 2012)
- London World Heritage Sites - Guidance on Settings SPG (GLA 2012)
- Tall Building Advice Note (Historic England 2015)

## 6.0 CONSULTATION RESPONSE

- 6.1 The views of the Place Directorate are expressed in the MATERIAL PLANNING CONSIDERATIONS section.
- 6.2 The following were consulted regarding the application. The responses are summarised below.

### **Greater London Authority (GLA)**

#### Recommendation & conclusion

- 6.3 The proposal to provide a significant quantum of large floorplate office accommodation to support the strategically important financial services cluster in the north of the Isle of Dogs & South Poplar Opportunity Area is strongly supported. The design approach is well-considered and supported and the additional encroachment into the dock is acceptable. Whilst the application broadly complies with the London Plan, a number of outstanding matters need to be addressed with regard to climate change and transport.

#### Land use

- 6.4 The proposed uses are strongly supported. The scheme would make a significant contribution towards the minimum strategic job creation targets of 110,000 additional jobs within the Opportunity Area. Small scale retail uses would be appropriate to the town centre location.
- 6.5 Given the priority given to Crossrail funding and subject to the Crossrail CIL top-up contribution being secured through the S106, contributions towards off-site affordable housing will not be required.

#### Urban design and the Blue Ribbon Network

- 6.6 Overall, the ground floor layout and public realm would be improved and is strongly supported in urban design terms
- 6.7 Further encroachment into South dock is acceptable for the following reasons:
- The principle has been accepted in previous proposals for the site
  - Increased size of office floorplates and the strategic importance of Canary Wharf as a globally important financial and business centre
  - The dockside building line and promenade would be unified with that of 1 Bank Street
- 6.8 The applicant has demonstrated that a footbridge between 10 and 20 Bank Street is not feasible. A footbridge in this location is not supported by the GLA.

#### Height, heritage and strategic views

- 6.9 The proposal is acceptable given the extant consent and the emerging cluster of tall buildings in this part of the Isle of Dogs. The building would be largely obscured by other existing and consented development in key strategic views. There would be no harm to the setting of the Maritime Greenwich World Heritage Site or any other heritage assets.

#### Architectural treatment

- 6.10 The architectural approach is supported and should result in a high quality finishes however the quality of materials and detailing will be essential – detailing and materials should be secured by condition.

#### Climate change

- 6.11 The applicant should provide further details on feasibility of a connection to the Barkantine district heating network as well as details of the site heat network. It is accepted that there is little further potential for reductions further to the proposed 33.5% reduction in CO2 emissions compared to the 2013 Building Regulations baseline but the shortfall should be met off-site through a S106 contribution. Final energy strategy should be secured.

*[The requested climate change information has been provided by the applicant. GLA officers subsequently confirmed that all issues have been resolved.]*

#### Transport

- 6.12 Transport Assessment methodology is consistent with the approach taken in the outline permission with appropriate adjustments to take account of Crossrail. The reduction in car parking to 25 spaces is supported. Provision of electric vehicle charging points and Blue Badge spaces should be secured.
- 6.13 The development is forecast to generate 180 trip arrivals at Heron Quays Station from the southern branch of the DLR in the morning peak hour. Although this is lower than the previous scheme due to the inclusion of Crossrail trips, this branch already experiences very heavy usage (93% capacity in sections of the route in the morning peak) and these additional trips are therefore a concern. The impact should be assessed and mitigated where necessary.
- 6.14 The Transport Assessment forecasts 20,586 additional walking trips each day. A



pedestrian environment Review Survey (PERS) has been carried out. Improvements should be secured as identified and details of way finding measures should be provided.

- 6.15 A cycle hire docking station for 36 cycles is required (through a financial contribution of £120,000).
- 6.16 All servicing would take place off-street but there are concerns about adequacy of the proposed loading bay. If it is not possible to accommodate an additional loading bay within the scheme, the applicant should demonstrate that deliveries can be managed satisfactorily.
- 6.17 Construction Logistic Plan and Travel Plan should be secured by condition and/or S106. Crossrail CIL top-up contribution should be secured through the S106.

*[The requested loading bay and servicing information has been provided by the applicant with TfL subsequently requesting that a Delivery & Servicing Plan is secured by condition.]*

#### **Transport for London (TfL)**

- 6.18 As per the above Transport section of the GLA response other than for clarification that TfL seeks a S106 financial contribution of £250,000 for DLR improvements at Heron Quays Station and a further specific request for a condition to safeguard the structural integrity of the DLR viaduct from the use of any waterborne transport in construction of the scheme.

#### **Thames Water**

- 6.19 No objection with regard to sewerage infrastructure capacity. Non-return valves should be installed to protect from surcharges during storm conditions.
- 6.20 The existing water supply infrastructure has insufficient capacity. A condition should be imposed to secure that water supply impact studies are carried out to determine the magnitude of any additional capacity required in the system.
- 6.21 A piling method statement should be secured by condition to safeguard underground sewerage infrastructure.
- 6.22 Informatives should be attached to advise the applicant that it is the responsibility of the developer to make proper provision for surface water drainage, and that Thames Water approval is required for surface water drainage and ground water drainage discharges to a public sewer; as well as to discuss the details of the piling method statement

#### **Port of London Authority**

- 6.23 The works proposed are unlikely to result in adverse impact on the River Thames and all environmental matters have been satisfactorily dealt with.
- 6.24 Further information should be provided to investigate the potential for waterborne transport of materials during the construction and operational phases of the development.

#### **Historic England**

- 6.25 Does not wish to make comments or express any views on the merits of the proposal. The application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

**Historic England – Greater London Archaeological Advisory Service (GLAAS)**

- 6.26 The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are necessary.

**Historic Royal Palaces**

- 6.27 Does not wish to comment on the development and believes that the proposal would not have any negative impact on the Tower of London World Heritage Site.

**National Air Traffic Services (NATS) Safeguarding**

- 6.28 No safeguarding objection to the proposal.

**London City Airport**

- 6.29 No safeguarding objection subject to condition regarding the operation of cranes during construction.

**Environment Agency**

- 6.30 No objection.
- 6.31 Although the site is located within Flood Zone 3 and is protected to a very high standard by the Thames Tidal flood defences up to a 1 in 1000 (0.1%) chance in any year, flood modelling shows that it is at risk if there was a breach in the defences or they were to be overtopped. While the proposal does have a safe means of access and /or egress in the event of flooding, safe refuge within the higher floors of the development has been suggested. The adequacy of evacuation arrangements should be assessed by the Council as the competent authority on matters of evacuation and rescue. Finished floor levels should be set above 4.137 AOD.

**Natural England**

- 6.32 No objection subject to appropriate mitigation being secured.
- 6.33 The proposal would have an adverse effect on the integrity of the Recommended Marine Conservation Zone of the Thames River. To mitigate, an Environmental Management Plan covering construction and operation of the building, including landscaping and water management strategy, should be secured.
- 6.34 Further detail advice has been given to be included as an informative.

**Canal & River Trust (CRT)**

- 6.35 No planning objection to the additional loss of waterspace but this would require a civil agreement from the Trust.
- 6.36 The dock walls should be designed so as to allow future maintenance. Proposed biodiversity enhancement measures are welcome but a maintenance agreement may

need to be negotiated with the Trust. External lighting should be designed so as not to cause light spill onto the waterspace and should be bat friendly wherever possible – this should be secured by condition. Surface water drainage into the dock will require an agreement with the Trust. Feasibility of use of waterborne freight during construction should be investigated further and secured by a condition. Use of the dock water for heating and cooling should be investigated. Informatives should be attached.

### **Southwark Council**

6.37 Does not wish to comment.

### **No response**

6.38 The following organisations were consulted but have not provided any comments:

- Metropolitan Police Crime Prevention Officer
- London Fire and Emergency Planning Authority
- Inland Waterways Association
- Greater London Industrial Archaeology Society
- The Greenwich Society
- Georgian Group
- Maritime Greenwich heritage Site
- The Victorian Society

## **7.0 LOCAL REPRESENTATION**

### **Public Consultation**

7.1 Public consultation took place in accordance with statutory requirements. This included a total of 1630 letters sent to occupiers of neighbouring properties, a press advert published in a local newspaper and site notices displayed outside the application site.

7.2 No responses were received.

### **Applicant's Consultation**

7.3 The applicant submitted a Statement of Community Involvement (appended to the Planning Statement). The consultation included a public exhibition on 14<sup>th</sup> and 16<sup>th</sup> July 2016 – residents of over 1100 addresses and over 70 local businesses were consulted and invited to the exhibition and a press advert was published in The Wharf. The exhibition was attended by 60 people with 12 people providing written feedback. Further details including presentation materials and a summary of comments received by the applicant are provided within the statement.

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by the application that the Committee must consider are:

1. Land use
2. Townscape, design & heritage

### 3. Amenity

- 8.2 Other material issues addressed within the report include transportation & servicing, energy efficiency & sustainability, biodiversity, planning obligations, as well as financial, health, human rights and equalities considerations.

## **Land Use**

### Policy Context

- 8.3 The National Planning Policy Framework (the NPPF) sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role, a social role and an environmental role. These roles are mutually dependant and should not be undertaken in isolation.
- 8.4 According to paragraph 9 of the NPPF, pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. These aims are reflected in the Core Strategy's Strategic Objective SO3 which pursues the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.
- 8.5 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health.
- 8.6 The London Plan policies 4.1 and 4.2 seek to promote and enable the continued development of a strong, sustainable and diverse economy - ensuring the availability of sufficient workplaces in terms of type, size and cost. The Council's Core Strategy policy SP06 seeks to support the competitiveness, vibrancy and creativity of the local economy, ensuring a sufficient range, mix and quality of employment uses and spaces – part 2 of the policy seeks to focus large floor plate offices and to intensive floor space within the Preferred Office Locations. Policies 2.10 and 2.11 set out the strategic priorities and functions of the Central Activities Zone – while formally outside the CAZ, the policy considers the north of the Isle of Dogs as part of the CAZ for the purpose of the London Plan's office policies. This is due to the Canary Wharf's role as a strategically important, globally orientated financial and business service centre.
- 8.7 Policy 2.13 of the London Plan sets out the policy context for the support of development within opportunity areas.
- 8.8 With regard to the designation of Canary Wharf as a Major Centre, policy SP01 of the Core Strategy seeks to maintain and enhance Canary Wharf as an important major centre in the borough through improving its local accessibility and supporting its continued growth. The London Plan sets out an aspiration for Canary Wharf to grow to become a centre of Metropolitan importance.
- 8.9 In line with the National Planning Policy Framework, the London Plan policies 2.15 and 4.7 require new uses in town centres to:
- support the vitality and viability of the centre,

- accommodate economic growth through intensification and selective expansion in appropriate locations,
  - support and enhance the competitiveness, quality and diversity of town centre retail, leisure, arts and culture, other consumer and public services,
  - be of scale related to the size, role and function of the centre, and
  - be easily accessible by public transport.
- 8.10 Policy SP01 of the Core Strategy, with related objectives SO4 and SO5, seeks to ensure that the scale and type of development is proportionate to the town centre hierarchy and to promote mixed use at the edge of town centres and along main streets. The policy also seeks to ensure that town centres are active, well-used and safe during day and night and to encourage evening and night time economy uses. Evening and night time uses should not be over-concentrated where undue detrimental impact on amenity would result, of a balanced provision and complementary to the adjoining uses and activities. Further guidance is provided by policy DM1 of the Managing Development Document which directs evening economy uses to town centres, provided that they do not result in overconcentration.
- 8.11 The north of the Isle of Dogs forms a strategically significant part of London's world city offer for financial, media and business services and is recognised within the London Plan as part of the Central Activities Zone for office policy purposes. The Isle of Dogs Opportunity Area is anticipated to accommodate 110,000 additional workers and a minimum of 10,000 new homes. Retail provision in Canary Wharf has the potential to develop and serve a wider catchment, complemented by a broader range of civic, leisure and other town centre facilities.
- 8.12 The Core Strategy vision for Canary Wharf, pursuant to the place making policy SP12, is to retain and enhance its global role as a competitive financial district as well as to adopt a stronger local function. The policy identifies a priority to work with Canary Wharf Group to maintain and enhance Canary Wharf's global position as a commercial and business centre and a priority to improve the integration between Canary Wharf and waterspaces to help stimulate activity.

#### Office Use

- 8.13 The application proposes erection of a large-floor plate office building which would house 124,734sqm GIA of office floorspace and provide employment for some 7,675 people (net additional full-time jobs).
- 8.14 The land use principles have been established through the previous planning consents for this site. The proposed floorspace would be within the upper limit of the outline planning permission which gave consent for 129,857sqm GIA however, due to the larger floorplates, the proposed design would be more efficient and functional, better responding to the requirements of prospective office occupiers.
- 8.15 Given the site's location within the Canary Wharf Major Centre and Preferred Office Location, the proposed office floorspace is not only acceptable but also highly desirable in planning policy terms as the proposal would support the continued development of Canary Wharf as a strategically important employment location.
- 8.16 As detailed within the Socioeconomic Assessment which forms part of the submitted Environmental Statement, the proposal would bring substantial economic benefits arising from provision of a workplace for some 7,675 employees. The additional local spending by the future employees is estimated at approximately £17.9 million per year. In addition, there would be temporary benefits to do with the construction of the

scheme. The construction workforce is estimated at 310 full-time employees with an estimated level of construction workforce spending of one million pounds per year.

### Retail Use

- 8.17 Two ground floor retail units are included within the proposal, measuring a total of 293sqm and complementing the retail provision at the 1 Bank Street site. The application is for a flexible retail/commercial use within the use classes of A1 to A5, covering uses such as retail, restaurant, drinking establishment and hot food take-away. The provision would be lower than the maximum approved under the outline planning permission, of 785sqm GIA.
- 8.18 All of the proposed uses are considered to be appropriate within a major town centre and the scale of the retail offer would be clearly ancillary to the office development. The units would be located along the dockside and provide animation of the southern elevation and of the public realm, contributing to place making objectives for the area.

### Mixed Use Development

- 8.19 Policy 2.11 of the London Plan states that *“new development proposals to increase office floorspace within CAZ and the north of the Isle of Dogs Opportunity Area [should] include a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan (see policies 3.4 and 4.3).”*
- 8.20
- 8.21 Policy 3.4 seeks to optimise housing potential and density while policy 4.3 of the London Plan provides guidance with regard to mixed use development and offices. Part (A) of the policy states that within the *“Central Activities Zone and the north of the Isle of Dogs Opportunity Area, increases in office floor space should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in the plan.”*
- 8.22 The Council’s policy SP02 (2a) unequivocally states that the Preferred Office Location are not appropriate locations for housing and the Council’s adopted Planning Obligations SPD does not require the provision of affordable housing for commercial developments.
- 8.23 The site is located within the core of the Canary Wharf and, as such, is not a suitable location for housing. Housing use within this site would directly conflict with the objectives of the Preferred Office Location and, as such, it is not appropriate to seek affordable housing contributions. The Council has also not previously secured such contributions on any other office development within Preferred Office Locations.

### Open Space and Blue Ribbon Network

- 8.24 Strategic policy SP04 sets out the Council’s vision to create a high quality well connected and sustainable nature environment of green and blue spaces that are rich in biodiversity and promote active and healthy lifestyles.
- 8.25 Policy 7.24 of the London Plan sets out a vision for the Blue Ribbon Network to contribute to the overall quality and sustainability of London by prioritising the use of waterspace and land alongside it for water related purposes. Policy 7.27 seeks to support infrastructure and recreation use by amongst other aims protecting existing access points and where possible enhancing access, increasing habitat value and protecting the open character of the Blue Ribbon Network. Policy 7.28A specifically states that *“Development proposals should restore and enhance the Blue Ribbon*

Network by ... c) preventing development and structures into the water space unless it serves a water related purpose.”

- 8.26 Policy 7.30 of the London Plan makes specific reference to development alongside London’s docks, and requires such development to protect and promote the vitality, attractiveness and historical interest of London’s remaining dock areas by amongst other aims preventing their partial or complete filling.
- 8.27 Paragraph 7.84 notes that “The Blue Ribbon Network should not be used as an extension of the developable land in London”.
- 8.28 Policy DM12 of the Managing Development Document provides guidance for development adjacent to the Blue Ribbon Network. Firstly development should not have an adverse impact. Secondly, with regard design and layout development should provide appropriate setbacks from the water space edges where appropriate. Finally, development should identify how it will improve the quality of the water space and provide increased opportunities for access, public use and integration with the water space.
- 8.29 In order to facilitate the construction of the dock-side promenade, to align with the adjoining 1 Bank Street scheme and to allow creation of larger, more functional floor plates necessary to attract potential business occupiers, the proposal involves further encroachment into the South Dock through extension of decking. The increase in water displacement is minimal at about 14sqm but the additional area covered by decking would measure approximately 238sqm (a further extension of 3m across the southern edge of the site in comparison to the approved maximum parameters of the outline scheme). In comparison to the reserved matters scheme, the increase in decking area would be approximately 318sqm (a further extension of 4m).

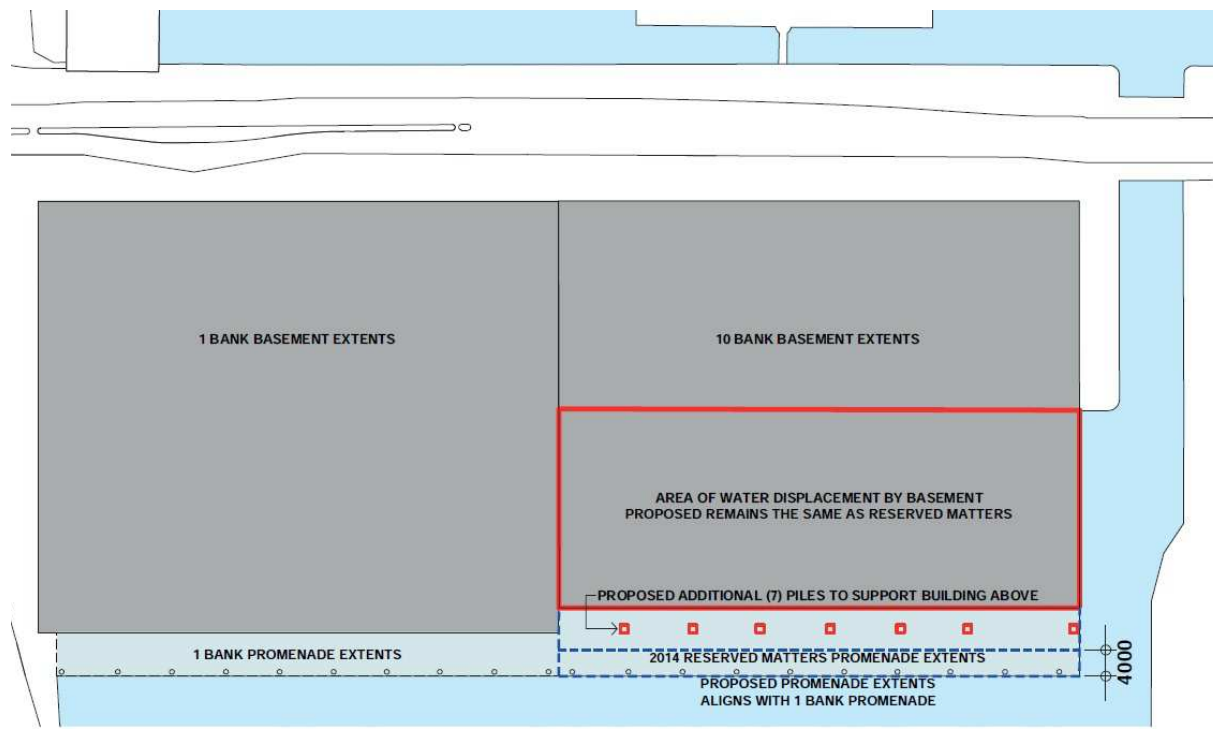


Figure 4 – Comparison of dock infilling and coverage with the approved outline planning and reserved matters permissions.

- 8.30 The loss of additional exposed dock water is unfortunate but given the particular circumstances of the site, is considered to be largely unavoidable and necessary to facilitate a high quality development in this location.
- 8.31 As explained elsewhere below in this report, the biodiversity impact would be fully mitigated with a net benefit achieved in the long term.
- 8.32 The applicant has demonstrated that the additional dock covering is the most appropriate design response to the requirement of the site to provide functional large floor plates of the kind that are likely to attract office occupiers. Any other solutions would be unsuitable as they would significantly impact on the building line and footway areas of Bank Street. If smaller floorplates were proposed or an undercroft was created for the southern dockside promenade, the quality of the dockside route would suffer substantially and there would be no scope to include retail units to animate the dockside.
- 8.33 As addressed in the Design section of this report, further below, the proposed dockside promenade would be appropriately designed to engage with the South Dock and to improve opportunities for its enjoyment by members of the public.
- 8.34 Overall, on balance, officers consider that the minor harm is justified in planning terms given the public benefits of the scheme including through provision of better public realm, place making, significant employment provision and economic benefits including the contribution to maintaining the strategic role of Canary Wharf as an internationally significant financial and business centre. Any harm to biodiversity would be mitigated with an overall net benefit delivered in the long term.
- 8.35 The additional dock coverage represents an optimal design solution which, while in conflict with the objectives of the aforementioned policies, is justified in the round. As such, officers consider that it would not be appropriate to refuse planning permission for the proposal on the grounds of impact on waterspaces and that the proposal still complies with the Development Plan when read as a whole.

## **Design, Townscape & Heritage**

### Policy Background

- 8.36 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.37 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
  - establish a strong sense of place, creating attractive and comfortable places to live,
  - respond to local character and history, and reflect the identity of local surroundings and materials,
  - create safe and accessible environments, and
  - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.38 Chapter 7 of the London Plan as well as the Council's policy SP10 set out broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds and that heritage assets and their settings are



safeguarded. These aims are to be realised through the detailed development management policies DM24 and DM27.

- 8.39 Furthermore, policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces.
- 8.40 The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.
- 8.41 With respect of tall buildings, policy 7.7 of the London Plan provides criteria for assessing tall and large scale buildings.
- 8.42 Tall and large buildings should:
- a) *generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport*
  - b) *only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building*
  - c) *relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;*
  - d) *individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London*
  - e) *incorporate the highest standards of architecture and materials, including sustainable design and construction practices*
  - f) *have ground floor activities that provide a positive relationship to the surrounding streets*
  - g) *contribute to improving the permeability of the site and wider area, where possible*
  - h) *incorporate publicly accessible areas on the upper floors, where appropriate*
  - i) *make a significant contribution to local regeneration*
- 8.43 The policy adds that tall buildings should not impact on local or strategic views adversely and the impact of tall buildings proposed in sensitive locations should be given particular consideration.
- 8.44 Policy DM26 of the Managing Development Document identifies a number of criteria that need to be satisfied when considering the appropriateness of a tall building. This includes the height being proportionate to the location in the town centre hierarchy; achieve a high architectural quality which contributes positively to the skyline, not adversely affecting heritage assets or strategic views, presenting a human scale at street level including not creating unsuitable microclimate conditions. Tall buildings should also not adversely impact on biodiversity or civil aviation should consider public safety and provide positive social and economic benefits.

#### Assessment

- 8.45 The Environmental Statement accompanying the application contains a Townscape, Visual and Built Heritage Assessment which identifies and describes the heritage assets which could be affected by the proposal and includes verified view photomontages showing local and more distant townscape views.

- 8.46 The application site is located within the Canary Wharf Preferred Office Location and Major Town Centre, it also benefits from high public transport accessibility and has been identified as a suitable location for tall buildings by policy SP10 of the Core Strategy. The principle of a high rise, large floor-plate tall building in this location has also been accepted in previous decisions of the Council – the approved outline planning permission scheme was for a tall building of 191.5m AOD. The adjoining 1 Bank Street scheme which is currently under construction will rise to 151.5m AOD.
- 8.47 The proposed tower would be similar in massing to the consented scheme and to the 1 Bank Street scheme and rise to the height of 166m AOD. The height is comfortably within the limit set by the outline planning permission and due to the stepped design of the top storeys responds to the height of the adjacent 1 Bank Street scheme. The aviation, biodiversity and microclimate impacts have been considered and are acceptable as explained elsewhere in this report.
- 8.48 The site, part of the Canary Wharf tall building cluster, is characterised by large floor-plate, high rise office towers and the proposal would not cause harm to any local or strategic views. The proposal would have no adverse impact on the setting of the Greenwich World Heritage Site or on the setting of any of the nearby listed buildings or conservation areas.
- 8.49 In the majority of views the building would form part of the Canary Wharf cluster, serving to consolidate it. Moreover, as illustrated in the below verified view from the General Wolfe statue in Greenwich, in many instances the development would be obscured by other consented development and its full height would be visible in only a limited number of locations – in views across the Middle and South Docks. In views from Greenwich, the site would be obscured by the residential developments in the South Quay area – the building outline is in the centre of the picture with the building appearing lower than some of the consented schemes in the immediate area, such as Riverside South, City Pride, Newfoundland or Hertsmere House.



Figure 5 - Verified cumulative view from General Wolfe statue in Greenwich

- 8.50 The nearest listed building is the Grade I southern dock wall of the Middle Dock. The dock wall is located on the opposite side of Bank Street, outside the application site. The dock wall would not be affected by the proposed works and given its current setting, dominated by large office buildings, there would be no further harm to this heritage asset. The proposal would not impact on the ability of members of the public to appreciate the heritage of the listed dock wall.
- 8.51 The architecture of the scheme is contemporary, characterised by division of the massing into three vertically accentuated interlocking volumes. The building would be principally faced in glass with metal framing.
- 8.52 The below computer generated visualisations show the daytime and night-time views of the proposal in the context of the approved Quay Club development (to the front, within the Middle Dock), the 1 Bank Street scheme (to the right) which is under construction and the existing office building at 20 Bank Street (to the left).



Figure 6 - Daytime CGI visualisation of the view across the Middle Dock



Figure 7 - Night-time CGI visualisation of the view across the Middle Dock

- 8.53 The central element would house the atriums and rise higher than the shoulders of the building which reference the height of the 1 Bank Street development. The central volume would appear lighter and more translucent than the more textured regular office floors wrapping either side. Different glazing and undulating metal fins would be utilised to give side volumes a different character and a degree of solidity to provide articulation to the building. A condition is recommended to require submission of detailed drawings, material samples and elevation mock-ups to ensure the highest quality of materials.
- 8.54 Plant areas would be obscured behind glazed louvres or behind the roof parapet and have been integrated into the elevation design to minimise their impact on the architectural quality of the building.
- 8.55 In terms of site layout, the proposal is similar to the previously approved scheme, with two large office lobbies fronting Bank Street, a shared servicing and car park access route between the site and 1 Bank Street, and a publicly accessible dockside promenade wrapping around the southern and western side of the site. Active frontages have been maximised. The building lines are logical and appropriately reflect the building lines of 1 Bank Street and 20 Bank Street, either side of the development. The separation distance between the site and 1 Bank Street has been maintained, at 15.5m.

- 8.56 The notable improvements to the quality of the public realm include provision of sunken public seating areas and planters as well as provision of two retail units fronting the dock. The dockside promenades would appropriately activate the dock edge and add to the recreational value of the dock.
- 8.57 While the eastern promenade would be of a lower quality due to its location within a double height undercroft, this is considered acceptable and its principle has been established in the previous planning permission for the site. The eastern part of the lobby would make a small protrusion into this area, partially affecting the sightlines, however, as a light-weight glazed structure necessary to provide a waiting area for the main office tenant, it would not compromise the public realm to an unacceptable extent.
- 8.58 The below visualisation illustrates how the new dockside promenade is likely to look like.

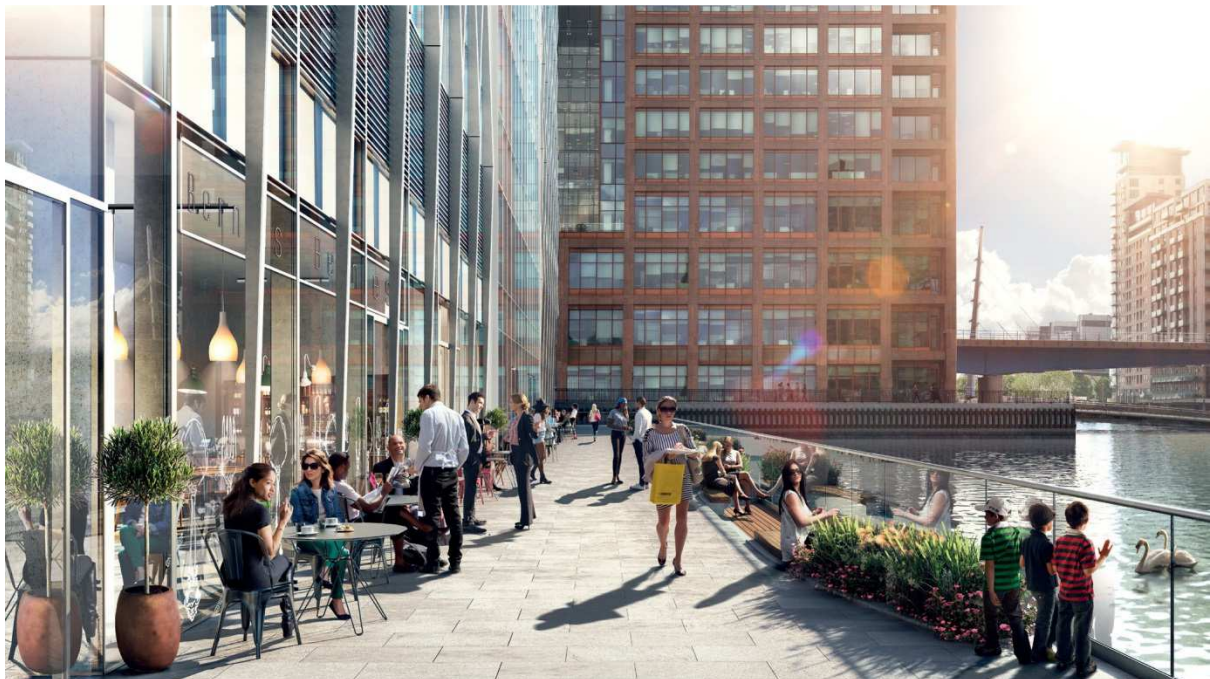


Figure 8 - CGI visualisation of the new South Dock promenade.

- 8.59 The applicant has investigated the feasibility of provision of a footbridge across the narrow canal linking the South and Middle Docks immediately to the east of the site with the promenade on the western side of the existing building at 20 Bank Street. This is not feasible due to the substantial level difference between the walkways either side of the canal.
- 8.60 The public realm would be mostly hardscaped which is appropriate in a busy town centre location. Nonetheless, planters have been incorporated along the dock edge and on Bank Street. Indicative details of security measures have been provided, including bollards within the Bank Street footway. A condition has been included to request full details of all landscaping elements, including lighting and security features.

- 8.61 Overall, the proposal's design appropriately responds to the sites context, the architecture and facing materials would be of a high quality, the massing and heights would be acceptable for the site's central location and the public realm would enhance the value of the dock. There would be no adverse heritage impacts.

### **Amenity**

- 8.62 Further to policy 7.6 of the London Plan and SP10 of the Core Strategy, policy DM25 of the Managing Development Document requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure or loss of outlook, unacceptable deterioration of sunlighting and daylighting conditions or overshadowing and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phases of the development.
- 8.63 The application site is located within the commercial core of Canary Wharf and the nearest existing residential properties are located a significant distance away - within the East and West towers of the Landmark Square development, over 110m to the south-west of the site, across the South Dock. The International Hotel, at 163 Marsh Wall, is some 100m to the south of the site, also across the South Dock, however the hotel is not considered to be a sensitive use given that it provides short stay accommodation.
- 4.21 There are a number of residential development sites within the vicinity, including the high-rise residential schemes at Newfoundland – at the western end of Middle Dock, City Pride – at 15 Westferry Road and Arrowhead Quay – on Marsh Wall, to the east of the International Hotel.

### Daylight, Sunlight and Overshadowing

- 8.64 Guidance on assessment of daylight and sunlight is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value. Further information on the quality of daylighting is provided by the Daylight Distribution (No Sky Line) contour drawings and calculations which show the area of the room with sky visibility at working plane height.
- 8.65 With regard to sunlight, the BRE guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probable sunlight hours or less than 5% between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%. For overshadowing, the BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse.
- 8.66 The applicant has submitted a Daylight & Sunlight report as part of the Environmental Statement. The report has been reviewed by an independent consultant appointed by the Council.

8.67 The Council's consultant confirmed that the scheme would result in a negligible impact on the following properties:

1-9 Chandlers Mews  
25 Westferry Road  
27-29 Westferry Road  
The Waterman Building  
4 Manila Street  
Quayside  
Berkeley Tower & Hanover House  
40 Marsh Wall

8.68 The following properties would be affected to a minor adverse extent:

Anchorage Point  
Cascades  
22-28 Marsh Wall Block 1  
22-28 Marsh Wall Block 2  
22-28 Marsh Wall Block 3  
6 Manila Street

8.69 The proposals massing and height is reduced in comparison to the maximum parameters allowed by the outline planning permission, meaning that the proposal would pose less of an obstruction to daylight and cause less overshadowing. The number of windows and rooms seeing noticeable effects in daylight has significantly reduced with effects remaining either negligible or of minor significance.

8.70 Additionally, the Council's consultant advised that that where rooms do experience a minor adverse impact, in general most of those rooms meet the standard for daylight distribution and would therefore have a good perception of sky visibility from within the rooms themselves.

8.71 The cumulative impacts would range from negligible to major adverse, however, in the consultant's view, given the fact that the development is located a considerable distance from the residential receptors and when assessed in isolation gives rise to effects of only minor to negligible significance suggests that the cumulative effects are primarily driven by other consented schemes and not the proposed development.

8.72 The outline planning permission for the site has been taken into account in establishing the appropriate daylighting to the nearby residential schemes which are currently under construction. As such, given the minor increase in bulk and a reduced height, daylighting impacts to Newfoundland, City Pride and Arrowhead Quay sites would be limited.

8.73 Given the location of the site to the north-west, north or north-east of the neighbouring residential properties, the proposal would not result in any significant sunlighting impacts.

8.74 A shadow analysis has been undertaken to West India Middle Dock, the canal to the east of the development and the amenity space around the proposed development. For the neighbouring amenity areas of West India Middle Dock and the canal, more than 50% of these amenity areas will receive direct sunlight for at least 2 hours on 21 March and the required standard is met. The impact is therefore considered to be negligible. For the amenity space within the development, 49% of the area will receive 2 hours of direct sunlight on 21 March. As this is only just below the



recommended level of 50%, this is not a significant failure of the planning requirement.

- 8.75 A solar glare analysis has been undertaken assessing the glare at 4 key view-points around the development. The proposal would have a negligible impact on glare at one view point and a minor adverse impact on glare at three viewpoints. The minor adverse impacts are the result of relatively brief periods of glare and are considered to be acceptable.
- 8.76 The independent lighting consultant appointed by the Council has concluded that *“On balance, the overall impacts are at a level that is reasonably good for a development in this dense urban location where so many other schemes are also being planned or under development.”* Officers agree with this conclusion and consider that, on balance, the isolated minor adverse impacts are acceptable given the public benefits of the development.

#### Outlook & Sense of Enclosure, Overlooking & Privacy

- 8.77 Given the substantial separation distances from the nearest residential properties, the proposal would not result in any material impacts on outlook, sense of enclosure, overlooking or privacy. The impact of the proposal would also be comparable to that of the outline planning permission scheme.

#### Microclimate

- 8.78 A Wind Microclimate Assessment has been submitted as part of the Environmental Statement including wind tunnel results of the proposed scheme in the context of existing surrounding environment and a cumulative scenario. To ensure robustness, all tests have been carried out with the proposed mitigation measures in place. The results are presented in terms of the Lawson Comfort Criteria which identifies comfort categories suitable for different activities, as well as in terms of the likely occurrence of strong gusts of wind which could be a threat to safety.
- 8.79 The wind tunnel test results confirm that wind conditions would not pose a threat to public safety in all tested scenarios. In terms of comfort levels, following mitigation, all of the locations tested would provide comfort levels appropriate to the intended use of the relevant areas. The wind conditions would generally improve in the cumulative scenario, once 1 Bank Street and other nearby schemes are completed.
- 8.80 The dockside promenade would be suitable for short standing and sitting during the worst seasonal conditions with many areas suitable for long term sitting during the summer months.
- 8.81 Overall, the microclimate impact of the proposal would be acceptable with the resultant wind conditions suitable for everyday use and enjoyment of the public realm. Given how advanced the construction of 1 Bank Street is, it can be reasonably assumed that appropriate conditions would be achieved to create suitable conditions for outdoor sitting along the dockside.

#### Air Quality

- 8.82 The submitted Air Quality Assessment, part of the Environmental Statement, has been reviewed by the Council’s Air Quality Officer and confirmed as acceptable. The document demonstrates that there would be no significant air quality impacts and that

Air Quality Neutral requirements would be met. The details of the specification and maintenance of the heating system would be secured by condition.

#### Noise

- 8.83 Background noise surveys have been submitted as part of the Environmental Statement. Noise standards for plant and for any extract systems associated with the retail units would be set by condition to minimise any amenity impact on adjoining occupiers, although given the large separation distance to the nearest residential properties, it is unlikely that disturbance would occur.

#### Construction Impacts

- 8.84 The temporary noise, vibration and air quality impacts during the course of the construction works would be mitigated through submission of a Construction Management Plan and the Construction Logistics Plan. A condition would limit the construction hours to the Council's standard construction hours of 8am – 6pm Monday to Friday, 8am – 1pm on Saturdays, with no works on Sundays and Bank Holidays. Compliance with the Considerate Constructors Scheme and the Council's Code of Construction Practice would be secured as a planning obligation.

#### Conclusion

- 8.85 Overall, the proposal would give rise to no unacceptable impacts on the amenity of the adjoining building occupiers. Appropriate conditions have been included to mitigate any adverse impacts.

#### **Highways, transportation and servicing**

- 8.86 The NPPF emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel.
- 8.87 Policy 6.3 of the London Plan and SP09 of the Core Strategy aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by policy DM20 of the Managing Development Document.
- 8.88 Policies 6.3 of the London Plan and DM22 of the Managing Development Document set standards for bicycle parking for staff and visitors while policies SP05 of the Core Strategy and DM14 of the Managing Development require provision of adequate waste and recycling storage facilities.
- 8.89 The application is accompanied by a Transport Assessment which has been reviewed by TfL and the Council's Highways & Transportation Officers.
- 8.90 The Council's Highways & Transportation Officer raised no objection to the scheme but made the following detailed comments:
- a) Access to the site for vehicles, cyclists and pedestrians remains unchanged from the previously consented scheme.
  - b) The approved scheme provided for a maximum of 107 car parking spaces – the current proposal is for 25 car parking spaces and 37 motorcycle spaces.

This reduction in car parking is welcome. 4 spaces are to be designated for disabled users (16% of the total) with the demand monitored through the Travel Plan and provision increased up to a maximum of 10 spaces based on the needs of the tenants. A parking management plan should be secured by condition. Electric charging points would be provided in line with London Plan requirements.

- c) It is proposed to provide 1,430 cycle parking spaces (670 two tier racks and 45 Sheffield stands) within the basement and 12 cycle parking spaces (6 Sheffield stands) at ground level. This should be secured by condition.
- d) The servicing and waste strategy remains unchanged. There are some concerns about the service yard functioning as a termination point for the service vehicles as well as for cars and cycles entering the parking areas however this remains unchanged from the previous application.
- e) Cycle and Pedestrian Environment Review System reports were submitted recommending improvements to surrounding road network, however, the applicant has not suggested to fund any of these – this should be secured through a S106 agreement or CIL.
- f) Draft Travel Plan, Servicing Management Plan and Construction Logistics Plan were submitted – final versions should be secured by condition.

8.91 Bank Street is a private road forming part of the Canary Wharf Estate. The nearest adopted highways are Westferry Road and Marsh Wall. The site benefits from excellent access to public transport with the highest PTAL rating of 6b. The area is served by a number of bus routes, a number of DLR stations (the closest being the Heron Quays Station) and the canary wharf Jubilee Line Station. The Elisabeth Line (formerly known as Crossrail) is due to commence operation in December 2018. There is a number of Cycle Hire stations in the vicinity, the closest located adjacent to 20 Bank Street.

8.92 Neither TfL nor LBTH Highways & Transportation object to the principle of the proposed development in this highly sustainable location.

#### Car parking and access

8.93 The principle of vehicle access remains unchanged from the approved scheme. This would be via shared access with the adjacent 1 Bank Street development. Vehicles would access a ground floor servicing bay served by two car lifts leading to basement parking at Basement Level 2.

8.94 A taxi pick-up/drop –off layby with capacity for 3 vehicles would be provided on Bank Street, in front of the main entrance to the building.

8.95 The approved scheme provided for a maximum of 107 car parking spaces – the current proposal is for 25 car parking spaces and 37 motorcycle spaces. This reduction in car parking is welcome. 4 spaces are to be designated for disabled users (16% of the total) with the demand monitored through the Travel Plan and provision increased up to a maximum of 10 spaces based on the needs of the tenants.

8.96 Auto-tracking diagrams have been provided to demonstrate that the required movements can be carried out safely. Condition have been attached to require

submission of a Car Parking Management Plan as well as provision of the blue-badge car parking spaces and electric vehicle charging points.

#### Servicing and deliveries

- 8.97 Servicing of the proposal would take from ground floor loading bays. A condition is recommended to request submission of a Delivery and Servicing Management Plan.
- 8.98 Auto-tracking diagrams have been provided to demonstrate that the required movements can be carried out safely.

#### Cycle parking

- 8.99 It is proposed to provide 1,430 cycle parking spaces (670 two tier racks and 45 Sheffield stands) within the basement and 12 cycle parking spaces (6 Sheffield stands) at ground level. A condition has been included to ensure this policy compliant provision. No unacceptable conflicts would occur with servicing vehicles. Safety measures to do with the management of the servicing area are to be secured through the Delivery & Servicing Management Plan.

#### Walking

- 8.100 The proposed public realm works would improve the quality of the pedestrian environment adjoining the application site. The new dockside promenade would provide a more leisurely connection along the northern side of South Dock with the main

#### Waste storage

- 8.101 The proposal includes waste storage facilities for 126 cubic metres of waste. This would be in standard Eurobins and in waste compactors. As sufficient storage has been provided for 2 days, the proposal complies with policy.

#### Traffic generation

- 8.102 A Transport Assessment has been submitted as part of the application. The assessment has been reviewed by both TfL and the Council's Highways & Transportation officers who raised no objections to the proposal.
- 8.103 Given the reduction in office and retail floorspace as well as in car parking provision in comparison to the previous development proposals approved by the Council, the highways and transportation impacts of the proposal are likely to be lower than previously approved and do not raise concerns.
- 8.104 A condition has been included to require submission of a Demolition and Construction Logistics Plan including a construction works Travel Plan, assessment of feasibility of utilising water borne transport during the course of the works and measures to safeguard the DLR viaduct over the South Dock from any freight movements using the dock. This condition would also aim to minimise any temporary disruptions to the operation of the local highway network.
- 8.105 An end-user phase Travel Plan has been included in the Heads of Terms to promote the use of sustainable modes of transport by future workers.

#### Infrastructure Funding

- 8.106 A number of financial contributions have been requested by TfL but have not been included in the S106 Heads of Terms:
- £120,000 towards delivery of a 36 space cycle docking station
  - £250,000 for DLR improvements at Heron Quays Station
- 8.107 The Council's Infrastructure Delivery Team confirmed that cycle docking stations and DLR improvements constitute strategic transport infrastructure and, as such, are dealt with by the Community Infrastructure Levy rather than by S106 planning obligations. It would be against CIL regulations to fund strategic transport infrastructure through S106 planning obligations.
- 8.108 The Council's Highways Officer suggested that the improvements recommended within the submitted Cycle and Pedestrian Environment Review System reports should be secured through a S106 agreement or CIL. Given that these relate to existing areas of highway some distance from the application site, are not directly necessitated by the proposal and would serve the wider area, Infrastructure Delivery Team confirmed that the improvements constitute strategic infrastructure which cannot be funded through the S106. There is potential for the improvements to be funded through CIL but this cannot be secured or specified through the planning process – the Council has separate procedures to do with allocating CIL funds to infrastructure projects.

#### Conclusion

- 8.109 Overall, subject to conditions and the planning obligations, the proposal would not give rise to any unacceptable highway, transportation or servicing impacts. Neither the Council's Highways & Transportation Officer nor TfL raise an objection to the proposal. Given the reduced area of total floorspace and car parking spaces than as approved under the outline planning permission, the proposal's highways and transportation impacts would likely be lower than as previously approved by the Council.

#### **Sustainability and Energy Efficiency**

- 8.110 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The climate change policies as set out in Chapter 5 of the London Plan, policy SP11 of the Core Strategy and the Managing Development Document policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.111 The submitted Energy Strategy demonstrated that the proposals follow the energy hierarchy of be lean, be clean & be green and seek to minimise CO<sub>2</sub> emissions through the implementation of energy efficiency measures and use of a centralised energy system. The CO<sub>2</sub> emission reductions are anticipated to be at 33.5% against the Building Regulations 2013, short of the 45% policy target. In accordance with policy requirements, the applicant has agreed to the full financial contribution of £489,420 to the Council's carbon off-setting programme to achieve a total reduction of 45%.

- 8.112 The applicant has also submitted a Sustainability Strategy which includes a BREEAM Assessment demonstrating that the scheme is designed to achieve a BREEAM 'Excellent' rating with a score of 78.3%.
- 8.113 The feasibility of connecting the development to the Barkentine district heating network has been investigated; however, it would not be possible in the near future. The design of the energy system to provide for a future connection to a district network would be secured by condition.
- 8.114 Conditions have been included to ensure compliance with the proposed energy efficiency and sustainability strategies, including achievement of an 'Excellent' BREEAM rating.
- 8.115 Overall, subject to conditions and the carbon off-setting planning obligation, the proposal would accord with the relevant policies and guidance.

### **Biodiversity**

- 8.116 Policies 7.19 of the London Plan, SP04 of the Core Strategy and DM11 of the Managing Development Document seek to protect and enhance biodiversity value in order to achieve an overall increase in biodiversity.
- 8.117 The South Dock, as a Site of Importance for Nature Conservation (SINC), is of local ecological value but according to surveys no notable aquatic flora or fauna are present within the dock and the aquatic biology of the docks is considered to be of low conservation value.
- 8.118 The areas of the site not covered by water have been cleared of all vegetation pursuant to the enabling works permissions (ref PA/14/01373 for the construction of a secant piled wall and ref PA/14/01372 for construction of a cofferdam) and are currently used to facilitate construction of the 1 Bank Street scheme.
- 8.119 The consented scheme (ref PA/13/01150 & PA/14/01664) and the associated enabling works permissions allowed for construction of a basement, reducing the area of the dock by 2,414sqm. The current proposal would broadly maintain the previously approved displacement of water, increasing this by only approximately 14sqm to account for structural piles needed to support the building above. Nonetheless, the additional area covered by decking would measure approximately 238sqm (a further extension of 3m across the southern edge of the site in comparison to the approved maximum parameters of the outline scheme). In comparison to the reserved matters scheme, the increase in decking area would be approximately 318sqm (a further extension of 4m). While the loss of 14sqm of water area would be minor, the additional decking would completely cover that section of the dock reducing the dock's ecological value.
- 8.120 The following ecological mitigation is proposed, in comparison to that previously approved. Additional mitigation has been proposed to take account of the additional water displacement and coverage.

<b>Previous (Consented Scheme)</b>	<b>Proposed Development</b>
Planters with trees (lime <i>Tilia cordata</i> ) on southern edge of the site.	Two Magnolia trees on northern boundary. No trees on southern boundary due to space constraints.
Green wall with fern species on western elevation.	Not possible to include due to the 1 Bank Street scheme

Herbaceous planters with grasses, non-native and native flowering and nectar producing plants. <b>Total area 84sqm.</b>	Herbaceous planters with grasses, non-native and native flowering and nectar producing plants. Slightly greater diversity of species. Reduced in size compared to consented scheme. <b>Total area 46sqm.</b>
Sedum green roof with sedum and grasses. <b>Total area 433sqm.</b>	Biodiverse roof with wildflower species and features of benefit to birds and insects. Increased in size and much higher in quality compared to consented scheme. <b>Total area 471sqm.</b>
Ecologically beneficial wall within the dock to provide a habitat and food source for aquatic flora and fauna. <b>6m long by 2m deep.</b>	Ecologically beneficial wall within the dock to provide a habitat and food source for aquatic flora and fauna. <b>144m long by 2m deep.</b>
No hanging fish refuges.	Hanging fish refuges incorporated, attached to the ecologically beneficial wall and designed to imitate overhanging bank vegetation or clumps of floating vegetation to provide shelter for fish.
Bird boxes suitable for local priority species.	Bird boxes suitable for local priority species but also including boxes for black redstarts on the biodiverse roof.

- 8.121 The impact of water displacement and overshadowing would be on a small proportion of the total area of the SINC and, following mitigation, due to the increased value of habitat for fish and invertebrates provided by the ecologically beneficial wall, the long term impact of the development on the SINC would be of negligible significance.
- 8.122 The Council's Biodiversity Officer confirmed that the improved mitigation proposed by the applicant is sufficient to offset the additional loss of open water. With the inclusion of all biodiversity measures secured by condition, overall the proposal would result in a long-term beneficial effect of minor significance.
- 8.123 Conditions have been attached to require submission of full details of the biodiversity mitigation & improvement measures as well as to require submission of details of lighting to reduce light spill onto the dock. The adverse impacts resulting from construction works would be mitigated through the Construction Environmental Management Plan secured by condition.

## Other

### Flood Risk and Drainage

- 8.124 The NPPF, policy 5.12 of the London Plan, and policy SP04 of Core Strategy require consideration of flood risk in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 8.125 The site is located within Flood Zone 3 which is protected by the Thames Tidal flood defences from a 1 in 1000 (0.1%) chance of flood even in any year. The site would be at risk if there was to be a breach in the defences or if they were to be overtopped.
- 8.126 A general sequential test for the borough has been carried out in 2009 as part of the evidence base for the Core Strategy. The Council has also carried out a Strategic

Flood Risk Assessments in 2012. The sequential test concluded that there are no sequentially preferable alternative sites available at a lower risk of flooding if the borough is to deliver an adequate quantum of residential and commercial floorspace. As discussed below, the development itself would not be at an unacceptable risk of flooding and it would not increase the risk of flooding elsewhere.

- 8.127 A site specific Flood Risk Assessment has been submitted with the application. The proposed development is classified as 'less vulnerable' and classed as 'appropriate development' under the sequential test.
- 8.128 The Environment Agency confirmed that they do not have an objection to the development but recommended that the adequacy of evacuation arrangements is confirmed and that the finished floor levels are set above the 2100 breach level which is 4.137 AOD.
- 8.129 In accordance with Environment Agency's response, the proposed finished floor level would be no less than 6m AOD and adequate refuges and escape routes would be provided. The finished floor level would also be above the 5.7m AOD required for the period of 2065 to 2100 as a result of climate change.
- 8.130 The submitted Flood Risk Assessment confirms that flood storage compensation would not be required as the basement of the previously approved scheme has already been considered by the Environment Agency.
- 8.131 With regard to drainage, the site is in an area of a low risk of surface water flooding and is not in a Critical Drainage Area. The majority of surface water would be discharged into the dock, being the most sustainable solution for the site. The principle is accepted by both the Environment Agency and the Canal & River Trust but full details are to be reserved by condition.

#### Aviation

- 8.132 An Aviation Assessment has been submitted as part of the application. The assessment confirms that the proposal would not result in any adverse impacts. NATS Safeguarding and London City Airport have been consulted with neither of the consultees objecting to the proposal, although London City Airport requested that the operation of cranes is dealt with by condition. The requested condition has been included. As such, subject to condition, the proposal would not result in any unacceptable aviation impacts.

#### Land contamination

- 8.133 A Ground Conditions report has been submitted as part of the Environmental Statement. While the risk of land contamination at the site is low, at the request of the Environmental Health Contaminated Land Officer, a condition has been included to appropriately deal with any potential land contamination, to minimise risks to health and ecology.

#### Impact on Thames Water infrastructure

- 8.134 Thames Water infrastructure would be safeguarded by the recommended conditions, in line with the consultee's request.

#### **Environmental Impact Assessment**



- 8.135 The Town and Country Planning (Environmental Impact Assessment) Regulations require that an Environmental Impact Assessment is undertaken to provide information about the likely effects of the proposal on the environment, to inform the decision making process. The environmental information must be taken into account prior to planning permission being granted.
- 8.136 As required by the EIA regulations, the application is accompanied by an Environmental Statement. The submitted statement has been confirmed as robust by the independent consultants appointed by the Council.
- 8.137 The environmental information has been taken into account in consideration of the application and informed each sub-section of the Material Planning Considerations section of this report. This included matters such as demolition and construction impacts, waste and recycling, socio-economics, transportation and access, air quality, noise and vibration, wind microclimate, daylighting, sunlight, overshadowing & solar glare, archaeology, ground conditions, water resources, drainage and flood risk, TV and radio reception as well as effect interactions, and residual & cumulative effects.
- 8.138 Conditions and planning obligations have been included to secure the implementation of all of the relevant mitigation measures suggested within the Environmental Statement. Where mitigation is not secured through a planning obligation or condition, the Council's Community Infrastructure Levy provides the most appropriate method of delivery.

### **Planning Obligations**

- 8.139 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Planning Obligations SPD (2016) sets out in more detail how these impacts can be assessed and what the appropriate mitigation could be. The Council adopted a Borough-level Community Infrastructure Levy on April 1<sup>st</sup> 2015. Consequently, planning obligations are much more limited than they were prior to this date, with the CIL levy used to fund new education, healthcare and community facilities to meet the additional demand on infrastructure created by new residents.
- 8.140 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and,
  - Fairly and reasonably related in scale and kind to the development.
- 8.141 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests. CIL Regulation 123 prohibits the funding of CIL infrastructure through the S106 mechanism.
- 8.142 The applicant has agreed to meet the entire financial obligation requirements calculated in accordance with LBTH and GLA funding guidance. These are:
- a) £500,108 towards construction phase employment skills and training
  - b) £3,131,400 towards end-user phase employment skills and training

- c) £489,420 towards carbon off-setting
- d) £19,358,968 Crossrail CIL top-up contribution (on the basis of estimated CIL liability of £4,375,945)
- e) £3,000 monitoring fee (£500 per each substantial Head of Terms)

Total financial contributions: £23,482,896

8.143 The non-financial obligations include:

- f) Access to employment
  - 20% local procurement
  - 20% local labour in construction and end-user phases
  - 21 construction apprenticeships
  - 31 end-user apprenticeships
- g) Travel plan for end-user phase
- h) TV reception mitigation
- i) Public access to public realm areas including dockside promenade
- j) Compliance with Considerate Constructors Scheme & LBTH Code of Construction Practice

8.144 All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and CIL Regulations tests.

8.145 A number of financial contributions have been requested by the TfL and/or the GLA but have not been included in the Head of Terms listed above:

- £120,000 towards delivery of a 36 space cycle docking station
- £250,000 for DLR improvements at Heron Quays Station

8.146 The Council's Infrastructure Delivery Team confirmed that cycle docking stations and DLR improvements constitute strategic transport infrastructure and, as such, are dealt with by the Community Infrastructure Levy rather than by S106 planning obligations as has been the case before 1<sup>st</sup> April 2015. Inclusion of those contributions in the S106 would lead to duplication with CIL contrary to the provisions of the Regulation 123.

### **Financial Considerations**

8.147 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

8.148 Section 70(4) defines "local finance consideration" as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

8.149 The London Mayor's Community Infrastructure Levy charge is estimated at £4,375,945. This would be supplemented by the Crossrail top-up S106 contribution as set out above.

8.150 In accordance with the Council's Community Infrastructure Levy Charging Schedule, Tower Hamlets CIL would be payable only for the retail element of the proposal with a nil rate applied to the office component. The estimated LBTH CIL liability would be £20,510.

8.151 These financial benefits are material considerations of some weight in favour of the application.

### **Health Considerations**

8.152 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.

8.153 The proposal raises no particular health implications and would not prejudice the opportunity of the future occupiers, neighbours or members of the public to benefits from appropriate living conditions or to lead healthy and active lifestyles.

### **Human Rights Considerations**

8.154 Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way which is incompatible with the European Convention on Human Rights. The relevant rights include:

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

8.155 Members need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must carefully consider the balance to be struck between individual rights and the wider public interest.

8.156 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as a local planning authority.

8.157 The proposal raises no particular human rights implications.

### **Equalities Act Considerations**

8.158 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular, the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.159 The proposal raises no particular Equalities Act implications.

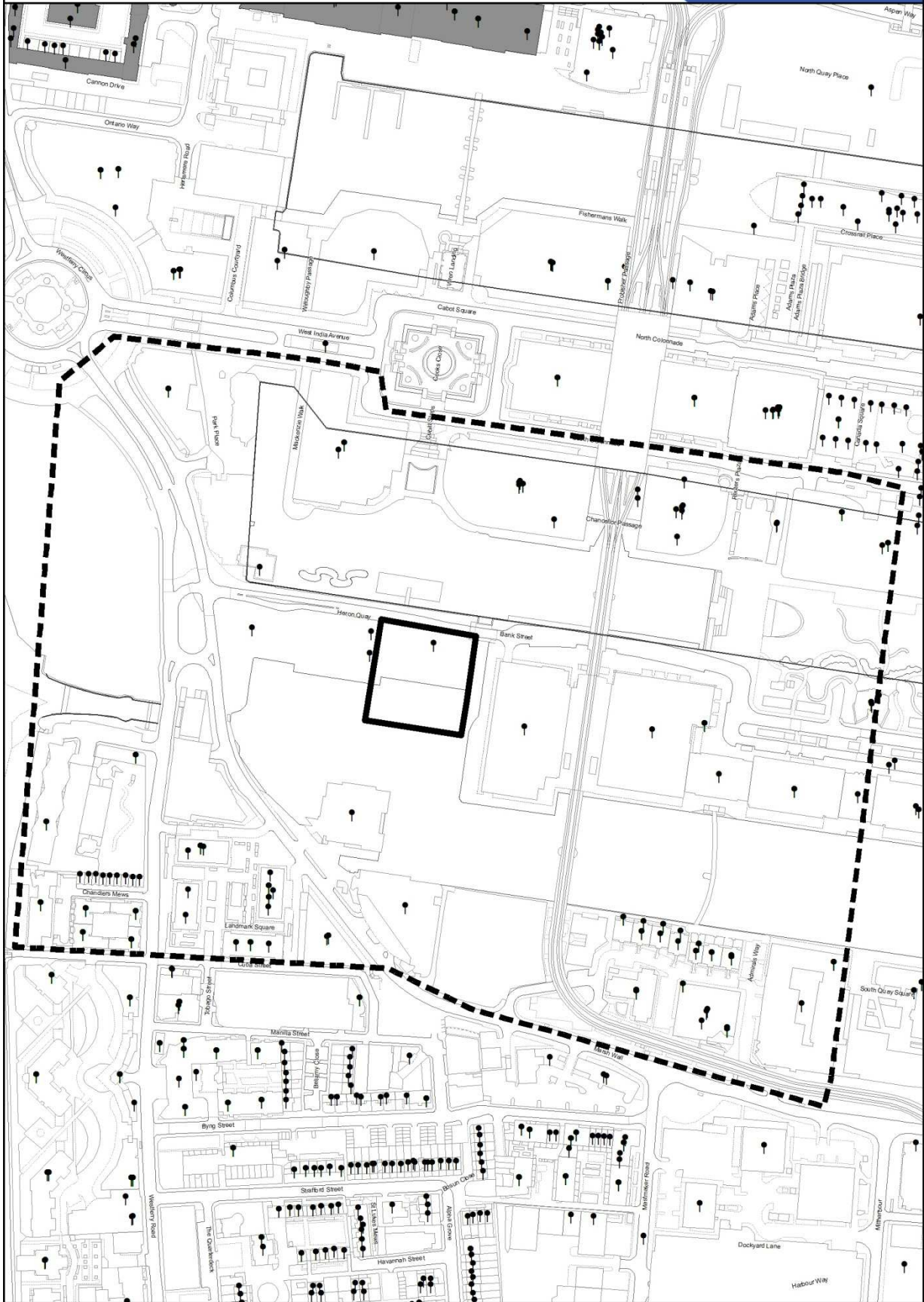
## **10.0 CONCLUSION**

10.1 All other relevant policies and considerations have been taken into account. It is recommended that full planning permission should be GRANTED.

## **11.0 SITE MAP**

11.1 Please refer to the next page of this report.

Planning Application Site Map  
PA/16/02956



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 40 m 	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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# Agenda Item 6

<b>Committee:</b> Strategic Development	<b>Date:</b> 23 March 2017	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Other Planning Matters	
<b>Originating Officer:</b>		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. The following information and advice applies to all those reports.

## 2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

## 3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

## 4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8**


Brief Description of background papers:  
See individual reports

Tick if copy supplied for register:  
✓

Name and telephone no. of holder:  
See individual reports

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<p>Non-Executive Report of the:</p> <p><b>Strategic Development Committee</b></p> <p>23<sup>rd</sup> March 2017</p>	
<p><b>Report of:</b> Graham White, Interim Service Head, Legal Services and Deputy Monitoring Officer</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Proposed Revised Planning Code of Conduct</b></p>	

<b>Originating Officer(s)</b>	Paul Greeno
<b>Wards affected</b>	All

## Summary

This report advises of a proposed revised Planning Code of Conduct at Part 5.2 of the Tower Hamlets Constitution

## Recommendations:

The Strategic Planning Committee is recommended to:

1. Note the revised Planning Code of Conduct in Appendix 1 of the report;
2. Note that pursuant to Part 1 Paragraph 4.02 of the Constitution the adoption and amendment of the revised Planning Code of Conduct is a matter for Council; and
3. Comment generally on the revised Planning Code of Conduct so that these comments can be reflected prior to the revised Code being put forward for adoption.

## **1. REASONS FOR THE DECISIONS**

- 1.1 Pursuant to the Local Government Act 2000 ('the 2000 Act') as the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to Part 2 Article 15 of the Constitution it is a Monitoring Officer role to review the Constitution.
- 1.2 The Planning Code of Conduct is an important Constitutional document as it is part of the Council's ethical framework and is in addition to the Councillors' Code of Conduct adopted under the provisions of the Localism Act 2011.
- 1.3 Planning decisions involve balancing many competing interests and making an informed judgement against a local and national policy framework. In doing this, Councillors need to make decisions having regard to the wider public interest on what can sometimes be controversial proposals. The provisions of this Code are designed to ensure that planning decisions are taken with sound judgement and for justifiable reasons, in a fair consistent and open manner and that Councillors making such decisions are perceived as being accountable for those decisions.

## **2. ALTERNATIVE OPTIONS**

- 2.1 The Council can decide not to adopt a revised Policy.

## **3. DETAILS OF REPORT**

- 3.1 Pursuant to the Local Government Act 2000 ('the 2000 Act') as the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to Part 2 Article 15 of the Constitution it is a Monitoring Officer role to review the Constitution.
- 3.2 The Planning Code of Conduct is an important Constitutional document as it is part of the Council's ethical framework and is in addition to the Councillors' Code of Conduct adopted under the provisions of the Localism Act 2011.
- 3.3 Planning decisions involve balancing many competing interests and making an informed judgement against a local and national policy framework. In doing this, Councillors need to make decisions having regard to the wider public interest on what can sometimes be controversial proposals. The provisions of this Code are designed to ensure that planning decisions are taken with sound judgement and for justifiable reasons, in a fair consistent and open manner and that Councillors making such decisions are perceived as being accountable for those decisions.
- 3.4 The Code is also designed to assist Councillors in dealing with and recording approaches from developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved.

- 3.5 This Code applies to Councillors at all times that they are involved in the planning process. This would include, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 3.6 Appendix 1 contains the revised proposed Code. Reasons for suggesting changes to the current Code of Conduct fall into 4 categories:
- (i) Changes that bring the Code up to date in terms of legislative context, the organisational structure of the Council and/or current terminology;
  - (ii) Improvements to achieve better consistency with other documents in terms of content and style and structure;
  - (iii) The addition of information/explanation to aide understanding;
  - (iv) Material changes to the Code that will require members and/or officers to conduct themselves differently than under the existing Code
- 3.7 Changes relating to (i) and (ii) above have been made to all sections of the document and, as they are not material, have not been singled out.
- 3.8 Changes to sections relating to categories (iii) and (iv) above are identified in Table 1 for each code as it was felt that these changes in particular should be brought to members attention.
- 3.9 The revised Code has been discussed with Planning Officers.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 There are no financial implications arising from the recommendations within this report.

#### **5. LEGAL COMMENTS**

- 5.1 Any legal implications are addressed in the body of the report.

#### **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 The provisions of the revised Planning Code are designed to ensure that planning decisions are taken on proper planning grounds; in a fair consistent and open manner; and that Councillors making such decisions are, and are perceived as being, accountable for those decisions. The Code is also designed to assist Councillors in dealing with and recording approaches from applicants, developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved. In implementing the Code, Members will ensure that decisions are taken for planning reasons only

and should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.

## **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 The report does not propose any direct expenditure. Rather, it is concerned with ensuring that planning decisions are taken on proper planning grounds; in a fair consistent and open manner; and that Councillors making such decisions are, and are perceived as being, accountable for those decisions. Whilst this might not lead to fewer appeals, the implementation of the Code should result in a much decreased chance of success on such appeals and which should reduce cost implications for the Council on any such appeals.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 It is not considered that there are any environmental implications if this revised Code is ultimately adopted.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 The provisions of the revised Planning Code are designed to ensure that planning decisions are taken on proper planning grounds; in a fair consistent and open manner; and that Councillors making such decisions are, and are perceived as being, accountable for those decisions. The overall aim is therefore to reduce risk.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 In considering Planning applications, the Council has to have regard to Crime and Disorder and by ensuring that planning decisions are taken on proper planning grounds this should reduce assist reduce crime and disorder.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None.

### **Appendices**

- Table 1 - Changed sections and reason for change
- Appendix 1 - Proposed Revised Planning Code of Conduct.

### **Local Government Act, 1972 Section 100D (As amended)**

#### **List of “Background Papers” used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

- None.

**Officer contact details for documents:**

- N/A

Table 1: Changed sections and reason for change

	Changes to improve quality/clarity of information or explanation		Material changes to the Code affecting members and / or officers	
	Current Version	Proposed New Version	Current Version	Proposed New Version
<b>Planning Code</b>	1. Introduction  4. Contact with Applicants, Developers and objectors 7. Pre-application discussions 8. Post-submission application discussions  5. Lobbying of Councillors 6. Lobbying By Councillors  9. Site Visits  11. Relationship between Members and Officers  12. Applications submitted by members, officers and the Council  13. Decision Making	1. Introduction  8. Pre-meetings, presentations and briefing sessions  7. Lobbying  9. Site Visits  10. Relationship between Members and Officers  5. Application by a Member or Officer 6. Application by the Council  13. Decision Making	2. Development of proposals and interests under the members Code of Conduct  3. Pre-determination in the planning process  14. Training  15. Appendix 1- Council Guidelines for determining planning applications	3. Interests  4. Predisposition, pre-determination or bias  2. Training of Councillors  Appendix 1- Council Guidelines for determining planning applications  10. The Role of the Executive  11. Conduct at the committee  14. Record Keeping  Appendix 2 – Do's and Do Not's

## 5.2 Planning Code of Conduct

### CONTENTS

Section	Subject
1	Introduction
2	Predisposition, Predetermination, or Bias
3	Interests
4	Training of Councillors
5	Application by a Councillor or an Officer
6	Application by the Council
7	Lobbying
8	Pre-meetings, Presentations and Briefing Sessions
9	Site Visits
10	The Role of the Executive
11	Relationship between Councillors and Officers
12	Conduct at the Committee
13	Decision making
14	Record keeping
<b>Appendix</b>	
A	Council guidelines for determining planning applications
B	Do's and Do Not's

#### 1. INTRODUCTION

- 1.1 The Planning Code of Practice has been adopted by Tower Hamlets Council to regulate the performance of its planning functions. Its major objectives are to guide Councillors and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally

of the standards adopted by the Council in the exercise of its planning powers.

- 1.2** The Planning Code of Conduct is in addition to the Code of Conduct for Members adopted under the provisions of the Localism Act 2011. Councillors should follow the requirements of the Code of Conduct for Members and apply this Code in light of that Code. The purpose of this Code is to provide more detailed guidance on the standards to be applied specifically in relation to planning matters.
- 1.3** Planning decisions involve balancing many competing interests and making an informed judgement against a local and national policy framework. In doing this, Councillors need to make decisions having regard to the wider public interest on what can sometimes be controversial proposals. The provisions of this Code are designed to ensure that planning decisions are taken with sound judgement and for justifiable reasons, in a fair consistent and open manner and that Councillors making such decisions are perceived as being accountable for those decisions. The Code is also designed to assist Councillors in dealing with and recording approaches from developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved.
- 1.4** This Code applies to Councillors at all times that they are involved in the planning process. This would include, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 1.5** This Code is part of the Council's ethical framework and in addition to the Code of Conduct for Members should be read in conjunction with the Member/Officer Protocol. If a Councillor does not abide by the Code then that Councillor may put the Council at risk of proceedings on the legality or maladministration of the related decision and the Councillor may be at risk of either being named in a report to the Standards Advisory Committee or Council. A failure to abide by the Code is also likely to be a breach of the Code of Conduct for Members and which could result in a complaint being made to the Monitoring Officer.
- 1.6** **If a Councillor has any doubts about the application of this Code to their own circumstances they should seek advice early, from the Monitoring Officer and preferably well before any meeting takes place.**



## 2. PREDISPOSITION, PREDETERMINATION OR BIAS

- 2.1 Section 25 of the Localism Act 2011 ('the 2011 Act') provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. This reflects the common law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the Councillor was biased.
- 2.2 As to predetermination, this is a legal concept and is used in situations where a decision maker either has, or appears to have, a closed mind. That is s/he has made up his/her mind in advance of proper consideration of an issue and the merits of an application. Section 25 of the 2011 Act does not amount to the abolition of the concept of predetermination however, as no one should decide a case where they are not impartial or seen to be impartial. Critically, Councillors need to avoid any appearance of bias or of having a predetermined view before taking a decision. Indeed, Councillors should not take a decision on a matter when they are actually biased in favour or against the application, or where it might appear to a fair and informed observer that there was a real possibility of bias, or where a Councillor has predetermined the matter by closing his/her mind to the merits of the decision.
- 2.3 Any planning decision made by a Councillor who can be shown to have approached the decision with a closed mind will expose the Council to the risk of legal challenge.
- 2.4 Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition).
- 2.5 If a Councillor considers that s/he does have a bias or cannot be impartial then they **must** withdraw from considering that application.
- 2.6 Councillors should note that, unless they have a disclosable pecuniary interest or a significant personal interest (see section 3 below), they will not appear to be predetermined through-
- listening or receiving viewpoints from residents or other interested parties;
  - making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to

prejudging the issue and the Councillor makes clear that they are keeping an open mind;

- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Councillor, provided the Councillor explains their actions at the start of the meeting or item and makes it clear that, having expressed the opinion or ward/local view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.

**2.7** The following advice applies:

- Councillors must not make up their mind, or appear to have made up their mind on how they will vote on any planning matter prior to formal consideration of the matter at the meeting of the Committee and of the Councillor hearing the officer's presentation and evidence and arguments on both sides. This includes deciding or discussing how to vote on any application at any sort of political group meeting, or lobby any other Councillor to do so. If a Councillor has an interest in a local lobby group or charity or pressure group they may appear predetermined by their actions and/ or statements made in the past. The Councillor should take advice from the Legal Adviser to the Committee on how to deal with this.
- It must be noted that if a Councillor is predetermined then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or predetermination or, a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- A Councillor may appear pre-determined where the Council is the landowner, developer or applicant and the Councillor has acted as, or could be perceived as being, a chief advocate for the proposal. This would amount to more than a matter of membership of both the Cabinet and Development Committee, but that through the Councillor's significant personal involvement in preparing or advocating the proposal the Councillor will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits. (See Section 6 below for guidance on applications submitted by the Council).
- Councillors should recognise that in being a Councillor of a political group they are allowed to be predisposed in relation to planning policies of the Council or to planning policies of the Councillor's political party, providing that predisposition does not give rise to a public perception that the Councillor has due to his/ her political

membership predetermined a particular matter. (See Section 7 below relating to Lobbying).

- When considering a planning application or any other planning matter Councillors must:
  - act fairly and openly;
  - approach each planning issue with an open mind; carefully weigh up all relevant issues; and
  - determine each item on its own planning merits
  
- And Councillors must not:
  - 
  - take into account irrelevant issues;
  - behave in a manner that may give rise to a public perception that s/he may have predetermined the item; and
  - behave in such a manner which may give rise to a public perception that s/he may have been unduly influenced in reaching a decision.

### **3. INTERESTS**

**3.1** In order to avoid allegations of bias it is important that Councillors are scrupulous in declaring interests at the meeting.

**3.2** Chapter 7 of the 2011 Act places requirements on councillors regarding the registration and disclosure of their pecuniary interests ('DPI') and the consequences for a councillor taking part in consideration of an issue in the light of those interests. The definitions of DPI taken from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 are set out in paragraph 5.1 of the Members' Code of Conduct. A Councillor must provide the Monitoring Officer with written details of relevant interests within 28 days of their election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Councillor becoming aware of such changes. A failure to register or declare a DPI or the provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which a Councillor has a DPI, are criminal offences.

**3.3** A DPI relating to an item under discussion requires the immediate withdrawal of the Councillor from the Committee. In certain circumstances, a dispensation can be sought from the Monitoring Officer to take part in that particular item of business and which could arise where the Councillor is the applicant or has made a representation for or against the application.

**3.4** Having regard to the requirement that a Councillor who has an interest in an application must be disqualified from considering it, then consideration must also be given to personal interests. A personal interest in a matter arises if a Councillor anticipates that a decision on it might reasonably be regarded as affecting (to a greater extent than other council tax payers, ratepayers or residents of the Council's area) the well-being or financial position of the Councillor, a relative or a friend or

- the employment or business carried out by those persons, or in which they might be investors (above a certain level)
- any of the bodies with which the Councillor is associated, and which the Councillor will have registered in the register of interests.

**3.5** If a Councillor has a personal interest in any planning then the Councillor shall, if present, disclose the existence and nature of the interest at the start of the meeting and, in any event, before the matter is discussed or as soon as it becomes apparent. The full nature of the interest must be declared. If, in accordance with the Members' Code of Conduct, the interest is 'sensitive', the Councillor must disclose to the meeting that s/he has an interest that is sensitive but need not disclose the nature of the interest or any other sensitive information. The declaration and disclosure of a personal interest does not usually debar a Councillor from participation in the discussion provided that the personal interest is not so significant that there is a real possibility of bias or predetermination and which is likely to prejudice the Councillor's judgement of the public interest (see 3.6 below).

**3.6** The position is different however where a member of the public, with knowledge of the relevant facts, would reasonably regard the personal interest as so significant that there is a real possibility of bias or predetermination and which is likely to prejudice the Councillor's judgement of the public interest. Examples of this are the Councillor is working closely with a developer or a group of objectors to achieve a certain outcome; lobbying other Councillors on the Committee; acting as an agent for a person pursuing a planning matter with the Council; or generally declaring voting intentions ahead of the meeting etc.

**3.7** A Councillor with a personal interest which might appear to a fair and informed observer that there was a real possibility of bias must not participate in the discussion on the application and must leave the room immediately when the discussion on the item begins or as soon as the interest becomes apparent. S/he cannot seek to influence the decision, save that if a member of the public has the right to attend the meeting, make representations, answer questions etc., then a Councillor will have the same right. Once the Councillor has exercised that right then the Councillor must withdraw from the room for the rest of that item and play no further part in the discussion or vote.

**3.8** Being a Councillor for the ward in which particular premises is situated is not necessarily declarable and as a general rule Councillors of the Committee may deliberate on matters affecting their wards provided they do so with an open mind. Councillors should remember, however, that their overriding duty is to the whole community not just to the residents and businesses within their ward. Councillors have a duty to make decisions impartially, and should not improperly favour, or appear to improperly favour, any person, company, group or locality. If a Councillor feels that they must make representations for their ward then the Councillor can declare this and make representations but must then leave before the debate and vote.

**3.9** More information on what constitutes an interest as well as the obligation on Councillors to register their interests is contained in the Code of Conduct for Members set out in Part 5.1 of the Constitution. The ultimate responsibility for fulfilling these requirements rests with individual Councillors but the Council's Monitoring Officer or the Service Head Legal Services are available to give advice if required.

#### **4. TRAINING OF COUNCILLORS**

**4.1** As the technical and propriety issues associated with planning are not straightforward, Councillors who sit on either the Development Committee or the Strategic Development Committee must participate in a programme of training on the planning system and related matters agreed by and organised by officers. The programme will consist of compulsory and discretionary elements. If a Councillor fails to participate in the compulsory elements of the training this may result in that Councillor being asked to stand down as a Councillor of relevant Committee.

**4.2** Councillors should be aware that training is particularly important for those who are new to the Development Committee and for Councillors who have not attended training in the recent past. Other Councillors are free to attend the training in order to gain an understanding of planning issues.

**4.3** The compulsory training programme will cover issues relating to probity in planning, principles in planning to reflect government guidance and case law. Discretionary training will seek to extend Councillors' knowledge of planning law, regulations, procedures, Codes of Practice, Development Plans and best practice. The aim of the training is to assist Councillors in carrying out their role properly and effectively.

**4.4** Where a Councillor has a genuine difficulty in attending any particular training session officers will try, when practicable, to accommodate a request for an individual or repeat session.

## **5. APPLICATION BY A COUNCILLOR OR OFFICER**

5.1 Councillors may need to determine an application submitted by a Councillor or an officer, or by a company or individual with which a Councillor or officer has an interest or relationship. For the avoidance of doubt, the term Councillor or an officer includes any former Councillors or officers. In such cases, it is vital to ensure that such application is handled in a way that gives no grounds for accusations or favouritism. Accordingly the matter will be dealt with as follows-

- (a) The matter will be referred to the Corporate Director, Development and Renewal, who shall decide whether or not the application should be referred to the relevant Committee, or determined under delegated powers, if the application is in accordance with development plans and all other material planning considerations.
- (b) On receipt of such an application, the Corporate Director, Development and Renewal will pass a copy of the application to the Monitoring Officer who will satisfy himself/herself that the application can be, and is being, processed and determined without suspicion or impropriety.
- (c) If a Councillor or an officer submit their own proposal to the Council which they serve, they must take no part in its processing or the decision making process.
- (d) The Councillor making the application would almost certainly have a DPI and should not address the Committee as the applicant but should appoint an independent agent to represent his/her views.
- (e) Councillors of the Committee must consider whether the nature of any relationship with the person (either a Councillor or an officer) applying for planning permission requires that they make a declaration of interest and if necessary also withdraw from the meeting.
- (f) In respect of former Councillors or former officers the above requirements shall apply for a period of three (3) years following their departure from the Council.

## **6. APPLICATION BY THE COUNCIL**

6.1 Councillors may need to determine an application submitted by the Council for the Council's own development. It is perfectly legitimate for such proposals to be submitted to and determined by the Local Planning Authority. Proposals for such development should be treated with the same transparency and impartiality as those of private developers so as not to give rise to suspicions of impropriety.

6.2 If a Councillor has been heavily committed or involved in an area of policy/issue relating to such an application (e.g. as a Cabinet Member), then that Councillor must consider whether they have an interest which should be

disclosed. In such circumstances, the Councillor should seek advice from the Legal Adviser to the Committee

## **7. LOBBYING**

**7.1** Councillors may be approached or lobbied by an applicant, developer, agent or objector about a particular application. This can happen prior to an application being made or at any time after the application is made. Whilst lobbying is a normal and perfectly proper part of the political process, it can cause the perception of bias or predetermination especially when a Councillor must enter the meeting with an open mind and make an impartial determination on the relative merits based on all the evidence presented at the meeting. .

**7.2** To avoid such perception, if a Councillor is approached s/he should:

- (a) inform such applicant, developer, agent or objector that such approach should be made to officers within the Development and Renewal Directorate or to elected Councillors who are not Councillors of the either the Development Committee or Strategic Development Committee;
- (b) forthwith notify in writing to the Monitoring Officer the fact that such an approach has been made, identifying the application, the nature of the approach, by whom it was made, and the action taken by the Councillor concerned. This should include any offers made of planning gain or constraint of development, through a proposed section 106 Planning Obligation or otherwise; and
- (c) keep an adequate written record so as to enable the Councillor to disclose the fact and nature of such an approach at any relevant meeting of the Development Committee.

**7.3** If the Councillor does discuss the case then in no circumstances should a Councillor give an indication of voting intentions or otherwise enter into an unconditional commitment to oppose or support the application. To do so without all relevant information and views would be unfair and detrimental. As stated in 7.2(c) above, the Councillor must keep an adequate written record of the discussion so as to enable the Councillor to disclose the fact and nature of such an approach at any relevant meeting of the Development Committee.

**7.4** Councillors should not accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, then the Councillor must comply with the provisions in the Code of Conduct for Members on Gifts and Hospitality.

- 7.5** Councillors should not become a member of, lead or represent a national charity or local organisation whose primary purpose is to lobby to promote or oppose planning proposals. If a Councillor does then it is likely to appear to a fair and informed observer that there is a real possibility of bias and that Councillor will be required to withdraw from the debate and decision on that matter.
- 7.6** Councillors must also not lobby fellow Councillors regarding their concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- 7.7** In no circumstances should a Councillor give an indication of voting intentions or otherwise enter into an unconditional commitment to oppose or support the application. To do so without all relevant information and views would be unfair and detrimental

## **8. PRE-MEETINGS, PRESENTATIONS AND BRIEFING SESSIONS**

- 8.1** Councillors should avoid agreeing to any formal meeting with applicants, developers or groups of objectors. If a Councillor considers that a formal meeting would be useful in clarifying the issues, then the Councillor should not seek to personally arrange such a meeting but should request the Service Head Development Decisions to organise it. If such a meeting takes place it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.
- 8.2** If a Councillor does arrange a private meeting with an applicant, developer, agent or objector then this must be declared at the Development Committee meeting by the Councillor. As in Section 7.2(c) above, the Councillor should keep an adequate written record of the meeting. This record should then be referred to the Service Head Development Decisions to organise it so that it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.
- 8.3** Where there is to be a presentation by applicants/ developers, Councillors should not attend unless it has been organised by an officer. If a Councillor does attend a presentation not organised by officers then the Councillor must inform the Service Head Development Decisions that s/he has done so. The Councillor should keep an adequate written record of the presentation. This record should then be referred to the Service Head Development Decisions to organise it so that it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.
- 8.4** When Councillors attend presentations, they should ask relevant questions to clarify their understanding of the proposal. Councillors should be mindful,



however, that the presentation is not part of the formal process of debate and determination of any subsequent application and that this will be carried out by the appropriate Development Committee.

- 8.5** Councillors should bear in mind that a presentation is a form of lobbying and they must not express any strong view or state how they or other Councillors might vote. Further Councillors are reminded that if they do attend a presentation then any hospitality or gifts received over the value of £25.00 must be disclosed and registered in the normal way.
- 8.6** Public meetings are sometimes organised as part of the Council's pre-application process (contained in the Council's Planning tool kit). All Councillors are encouraged to participate in such pre-application discussions.
- 8.7** Further where briefing sessions (generally for major applications) have been arranged (by officers) for Councillors following submission of an application then Councillors should attend these sessions as it will give them an opportunity to better understand the Council's planning policies and its economic objectives.
- 8.8** Councillors should note that the Code of Conduct of Member and this Code apply to any of the above meetings, presentations or briefing sessions and that at any subsequent Committee considering the application that Councillors must disclose attendance at any such meetings and/ or presentations.

## **9. SITE VISITS**

- 9.1** Site visits by Councillors determining schemes are an essential part of determining a planning application. It is good practice for Councillors to visit an application site before a meeting, so that they can familiarise with the site or surrounding area and Councillors should try to attend the pre-Committee site visits organised by officers. A site visit may also assist Councillors in matters relating to the context of the application and the characteristics of surrounding area. Councillors must avoid expressing opinions during site visits to any person present, including other Councillors. Councillors can, of course, rely upon their own local knowledge.
- 9.2** During site visits, Councillors of the Planning Committees shall not engage individually in discussion with applicants or objectors.
- 9.3** On site visits applicants, developers, objectors or other interested parties who attend shall only be permitted to point out to Councillors features to look at either on the site or in the vicinity, which are relevant to the application. No discussion will take place on the merits of the application.

**9.4** Should it is not possible for a Councillor to attend an organised site visit and a Councillor then carries out a site visit on their own, the guidelines below apply-

- The Councillor must notify the Service Head Development Decisions of the intention to visit (which will be recorded on the file).
- The Councillor must carry out the visit discreetly and the Councillor must not make himself/ herself known to the applicants or neighbours.
- The Councillor must treat the site visit as an opportunity to seek information and to observe the site only. The Councillor must not use the site visit as or allow it to become an impromptu lobbying opportunity for the applicant or objectors.
- Councillors should not hear representations from the applicant or any other party and the Councillor shall have regard to the provisions on Lobbying in Section 7 above, and advise them that they may make representations in writing to the Council and direct them to relevant officers.
- Councillors must not express opinions or views on the application to anyone as this may lead to an allegation of apparent bias or pre-determination.
- Councillors should note that the Code of Conduct for Members and this Code apply to any such visit.

**9.5** As in Section 7.2(c) above, the Councillor should keep an adequate written record of the site visit, including any new information gained from such visit. This record should then be referred to the Service Head Development Decisions to organise it so that it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.

**9.6** Once the application has reached the determination stage, Councillors should not request a site visit unless the Councillor considers that it is really necessary, and the Committee may decide to revisit the site where particular site factors are significant in terms of the weight attached and it would be difficult in the absence of a site visit to assess the application or there are significant policy or precedent implications and specific site factors need to be carefully addressed.

## **10. THE ROLE OF THE EXECUTIVE**

**10.1** The Executive consists of 10 people, namely the Mayor and 9 Councillors. Each of the 9 Councillors has a specific Portfolio and one of those Portfolios is Strategic Development. The Mayor is responsible for most decisions about

day-to-day Council services but this excludes the regulatory council functions such as planning.

- 10.2 Councillors on the Planning Committees have specific responsibility for planning. However, planning is important to all Councillors and can help deliver other local objectives. Further, planning takes account of wider, long-term public interests including the environment, economic growth and prosperity, a cohesive and empowered society, good health and wellbeing, enhancement of heritage, conservation, local culture and community identity.
- 10.3 The Executive therefore has an interest in Strategic Planning: hence the Member of the Executive with the Strategic Development portfolio. As such, the Mayor, the lead Member and other Members of the Executive may be approached regarding or become involved in planning applications. This is perfectly acceptable but where the Mayor, the lead Member or other Members of the Executive are approached or become involved then this Code of Conduct also applies to them, particularly paragraphs 6, 7, 8 and 10. Further, they should not attend the pre-Committee site visits organised by officers unless they sit on the Planning Committee.
- 10.4 Additionally, Councillors of the Executive should not meet to discuss how to vote on any application at any sort of political group meeting, or lobby any other Councillor to do so.

## **11. RELATIONSHIP BETWEEN COUNCILLORS AND OFFICERS**

- 11.1 Councillors shall not attempt in any way to influence the terms of the officers' reports upon any application including a particular recommendation. Officers are advising Councillors. They must give impartial policy advice on planning considerations and the recommendations as set out in the report without seeking to persuade Councillors. (This does not prevent a Councillor from asking questions or submitting views to the Service Head Development Decisions, which may be incorporated into any Committee report).
- 11.2 Any criticism by Councillors of an officer in relation to the handling of any application should be made in writing to the Corporate Director, Development and Renewal and/ or the Monitoring Officer rather than to the Officer handling the application.
- 11.3 If any officer feels or suspects that pressure is being exerted upon him/her by any Councillor in relation to any particular application, s/he shall forthwith notify the matter in writing to the Monitoring Officer.
- 11.4 If any officer of the Council who is involved in dealing with any application has had any involvement with an applicant, developer or objector, whether

or not in connection with the particular application being determined, which could possibly lead an observer with knowledge of all the relevant facts to suppose that there might be any possibility that the involvement could affect the officer's judgement in any way, then that officer shall declare this interest in the public register held by the Monitoring Officer and take no part. This public register is to be available for inspection at the Development Committee meeting.

- 11.5** No officer of the Council shall engage in any paid work for any planning matter for which Tower Hamlets is the Planning Authority other than on behalf of the Council.

## **12. CONDUCT AT THE COMMITTEE**

- 12.1** Councillors must not only act fairly but must also be seen to act fairly. Councillors must follow agreed procedures at all times and should only ask questions at the appropriate points in the procedure. At no time should a Councillor express a view which could be seen as pre-judging the outcome. During the course of the meeting Councillors should not discuss (or appear to discuss) aspects of the case with the applicant, a developer, an objector, their respective advisers or any member of the public nor should they accept letters or documents from anyone other than an officer from Democratic Services or the Legal Advisor to the Committee.
- 12.2** Councillors of the Committee shall refrain from personal abuse and party-political considerations shall play no part in the Committee's deliberations. Councillors shall be respectful to the Chair and to each other and to officers and members of the public including applicants, developers, objectors and their representatives and shall not bully any person.
- 12.3** When asking questions at a meeting, Councillors shall ensure that their questions relate only to planning considerations relevant to the particular application.
- 12.4** The Committee must ensure that they hear the evidence and arguments for and against the application and approach each planning issue with an open mind.
- 12.5** If a Councillor arrives late for a meeting, s/he will not be able to participate in any item or application already under discussion. Similarly, if a Councillor has to leave the meeting for any length of time, s/he will not be able to participate in the deliberation or vote on the item or application under discussion at the time of their absence. If a Councillor needs to leave the room, s/he should ask the Chair for a short adjournment

**12.6** It is permissible for the Chair of the meeting to curtail statements of parties if they are merely repeating matters which have already been said.

**12.7** In considering the application, Councillors are advised that if objections are founded on a demonstrable misunderstanding of the true factual position, or otherwise indicate no more than an uninformed reaction to a proposal then such carry no weight whatever and must be ignored. Further Councillors are advised that the mere number of objections irrespective of their content can never be a good reason for refusing an application. What matters are the grounds on which such are based.

### **13. DECISION MAKING**

**13.1** When a report goes before the Committee rather than being determined through officer delegation, the reasons why will be set out in the report to the Committee.

**13.2** Councillors must come to meetings with an open mind and in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2007 and section 70(2) of the Town and Country Planning Act 1990, Councillors must make decisions in accordance with the Development plan unless material considerations indicate otherwise. Attached at Appendix A' are the Council's Guidelines for determining planning applications.

**13.3** Councillors should only come to their decision after due consideration of all of the relevant information reasonably required upon which to base a decision. If it is considered that there is insufficient time to digest new information or that there is simply insufficient information before Councillors then Councillors can request that further information be provided and, if necessary, defer or refuse the application.

**13.4** Councillors must not take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officers' introduction to the matter. If an application has previously been deferred then the same Councillors will be asked to reconsider the application when it is returned to Committee.

**13.5** Where Councillors take a decision to defer any proposal then the reasons for Committee's decision must be given and recorded.

**13.6** When a Councillor is proposing, seconding or supporting a decision contrary to officer recommendations or the Development Plan then s/he must clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. The Councillor must be aware that s/he may have to justify the resulting

decision by giving evidence in Court or at Enquiry in the event of any challenge.

**13.7** Prior to deciding the matter before the Committee, Councillors must consider the advice that planning, legal or other officers give to the Committee with respect to the recommendation or any proposed amendment to it.

**13.8** **At the end of the day, Councillors must bear in mind that they are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. When Councillors take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Councillors must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.**

#### **14. RECORD KEEPING**

**14.1** In order that planning applications are processed properly and that any complaints can be fully investigated, record keeping will be complete and accurate. Every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings, significant telephone conversations and any declarations of interests by Councillors. Records will be kept in accordance with the Council's Information Governance Framework and, specifically, the Council's Records Management Policy.

**COUNCIL GUIDELINES FOR DETERMINING PLANNING APPLICATIONS**  
**APPLICATIONS UNDER THE TOWN & COUNTRY PLANNING**  
**ACT 1990**

- ( i )           The emphasis in determining applications is upon a plan led system. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires all planning applications to be determined in accordance with the Development Plan (comprised of the London Plan (produced by the Mayor of London), Local Plan and Neighbourhood Plans (should any be adopted)) and any other material considerations. If the Development Plan is material to the application then the statutory position is that the application **must** be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- ( ii )           The term "other material considerations" has a wide connotation as expressed by the following judicial comment:-  
***".....I find it impossible, however, to accept the view that such considerations are limited to matters relating to amenity.....it seems to me that any consideration which relates to the use and development of land is capable of being a planning consideration"***.
- ( iii )           Material considerations include national planning guidance in the form of Government Circulars, Planning Policy Guidance Notes, Non-Statutory Development Control Guidelines and case law. A ministerial statement may be a material consideration.
- ( iv )           Material considerations can include (but are not limited to):-
- ( a )    Local, strategic, national planning policies and policies in the Development Plan;
  - ( b )    Emerging new plans which have already been through at least one stage of public consultation;
  - ( c )    Government and Planning Inspectorate requirements - circulars, orders, statutory instruments, guidance and advice;
  - ( d )    Previous appeal decisions and planning Inquiry reports;
  - ( e )    Principles of Case Law held through the Courts;
  - ( f )    Loss of sunlight (based on Building Research Establishment guidance);
  - ( g )    Overshadowing/loss of outlook to the detriment of residential amenity (though not loss of view as such);
  - ( h )    Overlooking and loss of privacy;
  - ( i )    Highway issues: traffic generation, vehicular access, highway safety;
  - ( j )    Noise or disturbance resulting from use, including proposed hours of operation;
  - ( k )    Smells and fumes;
  - ( l )    Capacity of physical infrastructure, e.g. in the public drainage or water systems;
  - ( m )    Deficiencies in social facilities, e.g. spaces in schools;

- (n) Storage & handling of hazardous materials and development of contaminated land;
- (o) Loss or effect on trees;
- (p) Adverse impact on nature conservation interests & biodiversity opportunities;
- (q) Effect on listed buildings and conservation areas;
- (r) Incompatible or unacceptable uses;
- (s) Local financial considerations offered as a contribution or grant;
- (t) Layout and density of building design, visual appearance and finishing materials;
- (u) Inadequate or inappropriate landscaping or means of enclosure; and
- (v) Disabled persons access.

(v) Matters which are not material considerations again can include (but are not limited to):-

- (a) Matters controlled under building regulations or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.;
- (b) Private issues between neighbours e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.;
- (c) Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts);
- (d) Opposition to the principle of development when this has been settled by an outline planning permission or appeal;
- (e) Applicant's personal circumstances (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability – see (vi) below);
- (f) Previously made objections/representations regarding another site or application;
- (g) Factual misrepresentation of the proposal;
- (h) Opposition to business competition;
- (i) Loss of property value;
- (j) Loss of view; and
- (k) Personal remarks (e.g. the applicant's motives).

(vi) The personal circumstances of an applicant for planning permission are not generally a material consideration because they do not relate to the character or use of the land. However, in exceptional circumstances they may outweigh other material planning considerations. Where this is the case, specific and valid reasons must be given to justify the exception.

(vii) What constitutes a material consideration is a matter of law. The weight to be attached to the consideration is a matter of planning judgement for the decision-maker having regard to the planning evidence.



- (viii) It is essential to consider thoroughly any advice given by a statutory consultee or relevant Government Department, including views expressed by English Heritage or the Environment Agency.
- (ix) The view of local residents are relevant when determining a planning application, but it must be recognised that such opposition cannot be a reason in itself for refusing or granting planning permission unless founded on valid planning reasons, which are supported by substantial evidence.
- (x) Account should be taken of previous Council decisions, appeal decisions in relation to the site, or other related appeal decisions.
- (xi) It is not permissible to prevent, inhibit or delay development which could reasonably be permitted.
- (xii) Planning Conditions should only be imposed for a planning purpose and not for any ulterior one. They must fairly and reasonably relate to the development. Thus it is essential to avoid conditions which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant.

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**DO'S AND DO NOT'S**

**1. Councillors must:**

- (a) Attend compulsory training sessions;
- (b) Be open minded and impartial;
- (c) Declare any actual interest;
- (d) Act solely in the public interest;
- (e) Listen to the arguments for and against;
- (f) Carefully weigh up all relevant issues;
- (g) Ask questions that relate only to planning considerations relevant to the particular application;
- (h) Make decisions on merit and on material planning considerations only;
- (i) Respect the impartiality and integrity of the Council's officers;
- (j) Report any lobbying from applicants, agents, objectors or any other Councillor;
- (k) Promote and support the highest standards of conduct; and
- (l) Promote equality and not discriminate unlawfully against any person, and treat all people with respect;

**2. Councillors must not:**

- (a) Be biased or give the impression of being biased;
- (b) Improperly confer an advantage or disadvantage on any person nor seek to do so;
- (c) Act to gain financial or other benefit for themselves, their family, friends or close associates;
- (d) Place themselves under a financial or other obligation to any individual or organisation that might seek to influence the performance of their duties as a Councillor (e.g. by accepting gifts or hospitality from any person involved in or affected by a planning proposal);
- (e) Place themselves in a position where their integrity might reasonably be questioned;
- (f) Participate in a meeting where they have a DPI;
- (g) Participate in a meeting where they have an interest which does or could be reasonably considered as giving rise to bias; and
- (h) Express opinions during site visits to any person present, including other Councillors.