

STRATEGIC DEVELOPMENT COMMITTEE

Wednesday, 28 June 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 David Edgar, Councillor Sirajul Islam, Councillor Md. Maium Miah, Councillor Gulam Robbani, Councillor Shafi Ahmed, Councillor Julia Dockerill and Councillor Asma Begum

Substitutes:

Councillor Danny Hassell, Councillor Denise Jones, Councillor John Pierce, Councillor Muhammad Ansar Mustaqim, Councillor Oliur Rahman, Councillor Chris Chapman, Councillor Peter Golds and Councillor Shah Alam

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 26 June 2017**

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

The deadline for submitting material for the update report is **Noon Tuesday, 27 June 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
Web: <http://www.towerhamlets.gov.uk/committee>

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Public Information

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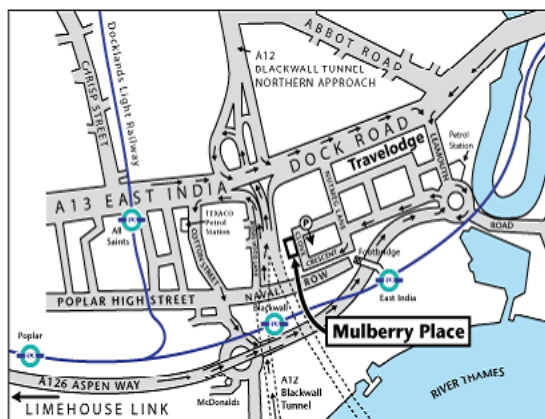
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APOLOGIES FOR ABSENCE

1. ELECTION OF VICE-CHAIR FOR THE COMMITTEE FOR 2017/18.

To elect a Vice-Chair for the Committee for 2017/18.

2. 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.

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 14)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 25 April 2017

4. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 15 - 16)

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, Place 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 Place 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.

5. STRATEGIC DEVELOPMENT COMMITTEE'S TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF FUTURE MEETINGS (Pages 17 - 26)

Recommendation

To note the Strategic Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

		PAGE NUMBER	WARD(S) AFFECTED
6.	DEFERRED ITEMS		
	None		
7.	PLANNING APPLICATIONS FOR DECISION	27 - 28	
7 .1	116-118 Chrisp Street, Poplar London, E14 6NL (PA/14/02928)	29 - 72	Lansbury
	Proposal:		
	Demolish Public House (Class A4) and Former Tyre and Exhaust Centre Building Class B1/B2), Erect Mixed-Use Development Comprising Part 5, Part 10, Part 13 Storey residential development comprising 53 Flats (Class C.3) with Ground Floor Commercial Unit (Flexible Permission - Classes A1/A2/A3/A4), and Associated Cycle and Refuse Storage Facilities, Lay Out Amenity Areas and Electricity Sub-Station, Stop Up Existing Accesses, Form New Vehicular and Pedestrian Accesses onto Chrisp Street, and Create 3 Accessible Parking Spaces on Chrisp Street		
	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.		
7 .2	Land south east of Cuba Street and north east junction of Manilla Street and Tobago Street, E14.PA/15/02528	73 - 156	Canary Wharf
	Proposal:		
	Redevelopment to provide a residential-led mixed use development comprising two buildings of up to 41-storeys and 26-storeys. Provision of 434 residential units, 38 m2 of flexible retail / community uses together with public open space and public realm improvements.		
	Recommendation:		
	Subject to any direction by the Mayor of London, planning permission be REFUSED for the reasons set out in the Committee report		
	Next Meeting of the Strategic Development Committee Thursday, 13 July 2017 at 7.00 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG		

Agenda Item 2

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 7.05 P.M. ON TUESDAY, 25 APRIL 2017

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Danny Hassell (Vice-Chair)
Councillor Asma Begum
Councillor Helal Uddin
Councillor Md. Maium Miah
Councillor Gulam Robbani
Councillor Shafi Ahmed
Councillor Andrew Wood (Substitute for Councillor Julia Dockerill)

Other Councillors Present:

Councillor David Edgar

Apologies:

Councillor Julia Dockerill

Officers Present:

Paul Buckenham	(Development Control Manager, Planning Services, Place)
Nasser Farooq	(Team Leader, Planning Services, Place)
Kate Harrison	(Planning Officer, Place)
Piotr Lanoszka	(Principal, Planning Officer, Place)
Brett McAllister	(Planning Officer, Place)
Marcus Woody	(Legal Advisor, Legal Services, Governance)
Alison Thomas	(Head of Housing Strategy, Partnerships and Affordable Housing, Place)
Zoe Folley	(Committee Officer, Governance)

Councillor Danny Hassell (Vice-Chair) Chair

The Chair of the meeting adjourned the meeting for 10 minutes at 7:00pm to allow Committee Members to arrive. The meeting was reconvened at 7:10pm

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 23 March 2017 be agreed as a correct record and signed by the Chair subject to:

Minute item 5.2 10 Bank Street, London, E14 (Eastern part of the site known as Heron Quays West) (PA/16/02956)

Page 5, Paragraph 3.

Final sentence to be amended to read:

The financial agreement between the two parties.

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, Place 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, Place 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

4.1 10 Bank Street, London, E14 (Eastern part of the site known as Heron Quays West) (PA/16/02956)

Councillor Marc Francis Chair

Update report tabled.

Paul Buckenham (Development Control Manager) introduced the application for the construction of a building of 166m AOD comprising office and retail space along with a decked promenade to the West India Dock South, access and highways works, landscaping and other associated works.

It was noted that the application was previously considered by the Committee on 23 March 2017. The Committee voted to defer the determination of the application and requested further information about the proposal's impact on water space and about the applicant's proposed "Water Space Strategy".

No changes had been made to the application. However the applicant had provided further information regarding the applicant's commitment to design the public realm along the line of the water space strategy and the need for the larger and more functioning floor plates.

Piotr Lanoszka (Planning Services) presented the report. The Committee were reminded of the key features of the application, including details of the proposed additional decking, the associated public benefits and the impact on the water space. The promenade would facilitate the provision of the office floor space with the larger floor plates and the provision of high quality public realm. Whilst the additional decking would result in a loss of water space, on balance, Officers considered this acceptable given the merits of the proposals and that it would not cause any undue harm. The applicant had submitted a draft version of their water space strategy. Should the permission be granted, there would be a landscaping condition to maximise the benefits to the dock edge. This condition could be worded to enable the applicant to bring forward measures in their water space strategy. Officers remained of the view that the application should be granted planning permission.

In response to questions about the planning status of the water space strategy, it was confirmed that it had no formal planning status and there had been no consultation on it. However, it may influence the Council's own water space strategy in time and would influence the public realm improvements.

Overall, Members welcomed the reassurances and expressed support for the application.

On a vote of 6 in favour and 1 against the Committee **RESOLVED:**

1. That planning permission be **GRANTED** at 10 Bank Street, London, E14 (Eastern part of the site known as Heron Quays West) for the 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(PA/16/02956)

Subject to:

2. Any direction by the London Mayor.
3. The prior completion of a legal agreement to secure the planning obligations in the Committee report:
4. That the Corporate Director, Place 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, Place is delegated power to refuse planning permission.
5. That the Corporate Director, Place is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report
6. Any other conditions or informatives as considered necessary by the Corporate Director, Place.

5. PLANNING APPLICATIONS FOR DECISION

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

Update report tabled.

Paul Buckenham (Development Control Manager) introduced the application for the for the demolition of existing buildings and construction of a mixed use development comprising part 3-storey, part 8-storey and part 12-storey building, landscaping, public realm improvements, access and servicing and other associated infrastructure.

It was noted that a similar application was considered at the February 2017 meeting of the Committee. Members expressed concerns about that application and were minded to refuse the application. The applicant had made a series of amendments to the application and due to the scale of the changes, it was considered appropriate to submit the application as a fresh application in accordance with the Development Committee procedure rules.

The Chair invited registered speakers to address the meeting.

Nigel Whitfield, Ms McGinley and Councillor David Edgar (Ward Councillor) addressed the Committee in objection to the proposals. They noted the changes to the application but felt they had done little to address their previous concerns. It was considered that the density of the application still exceeded the London plan guidance and that the loss of the night club conflicted with policy. The occupants did not want to sell the club. It must be relocated. Furthermore, the findings of the air quality assessment showed that the pollution levels at the lower floors would exceed permitted levels.

The speakers also expressed concern about the adequacy of the parking arrangements particularly the lack of accessible and visitors car parking. They also expressed concern about overshadowing to neighbouring properties. This that had not been properly assessed. They also objected to the lack of affordable housing, poor design, inappropriate height for the area and the impact of the scheme on the setting of the Conservation Area. The building would set an unwanted precedent. In response to questions, they clarified their concerns about the above issues and also expressed concern about the lack of consultation by the developer.

Richard Evans (Applicant's agent) addressed the committee explaining the revisions to the application to address the concerns in relation to the reduction in height, density, bulk and massing and the number of residential units. The changes meant that the plans would have a better relationship with the surrounding area and had greatly reduced its impact on the setting of the Conservation Area.

He considered that the provision of a residential development near a transport hub complied with policy. There would be a policy compliant level of affordable housing and no adverse amenity issues and adequate separation distances. The applicant had expressed a commitment to helping the night club relocate and there would be measures to mitigate the air quality issues. TfL were satisfied with the servicing arrangements subject to the submission of a servicing and deliveries plan.

In response to questions from the Committee, he confirmed that the developer had carried out no further consultation since the last meeting. The outcome of the Council's consultation was set out in the report. He explained that steps would be taken with London Underground Infrastructure Protection to ensure they were satisfied with the plans and that they were not adversely affect any assets. The work would not go ahead until they were. In response to further questions, he provided further reassurances about their plans to help relocate the club through the relocation strategy. He outlined the key features of these plans. He also provided assurances about the quality of the terrace play area for the affordable units in terms of air quality. Due to the site constraints, there were no opportunities to provide the play space at ground floor. He also responded to questions about the revised play space proposal.

Brett McAllister (Planning Services) presented the report explaining the site location and the amendments to the scheme since last presented to the

Committee to minimise any impact. Consultation had been carried out and the issues raised were noted. It was considered that the plans would reactivate a brownfield site and deliver a substantial number of new homes. The loss of the night club was considered acceptable given the merits of the scheme, the site constraints, the potential conflict with the proposed residential use and the applicant's relocation strategy. The height, bulk and massing of the revised scheme could be considered acceptable for the site. The plans would provide 35% affordable housing, with adequate levels of terrace play space and amenity space. The impact on neighbouring amenity was also deemed acceptable. Images of the relationship with neighbouring buildings were noted. There were measures to mitigate the air quality issues. The Committee were also advised of the parking and servicing plans. Officers were recommending that the application was granted permission.

In response to the presentation, the Committee asked questions about the number of objections and it was noted that further objections had been received since the publication of the agenda as set out in the update report.

The Committee also asked about the findings of the air quality testing and it was noted that the applicant had recently confirmed that the plans would meet the relevant targets due to the mitigation measures. To address the issues, it was proposed that the facades at the lower level be fitted with mechanical ventilation where the emissions rates exceeded the permitted levels.

The Committee asked about the changes to the application in respect of the contributions for play space. It was noted that the amended scheme now fully met the play space requirements both in terms of the quantum for the affordable and private units. So there was no longer any justification for requiring such contributions.

The Committee also questioned the impact of the application on the Conservation Area. Officers advised that they have carefully considered the issue. It was considered that any harm caused by the development to grade 11 listed buildings would be less than substantial. Furthermore, when weighed against the merits of the scheme, it was considered that the merits of the proposals would outweigh any impact in this regard.

Members also asked questions about the impact of the proposal on developments nearest the site that had a 5.4 m separation distance. Officers advised that due to the orientation of the buildings, they would have oblique views of the proposal. So the proposal would have a minimal impact.

Members also sought assurances about the measures to relocate the night club and how the strategy would be monitored. It was noted that the s106 agreement would include measures to ensure this, including a requirement for regular update reports. In response to further questions, it was noted that there was no policy protection for the existing business in contrast with the night club. However, Officers saw no reason, on planning grounds, why such businesses could not occupy the new commercial units.

Members also asked questions about the servicing plans. It was confirmed that the highway experts were satisfied with the plans given that the number of properties that would rely on the servicing bay would be relatively low and the proximity of the site to another servicing bay.

The Committee asked questions about the affordable housing rents levels and the CIL contributions and governance process.

Members expressed concerns about the loss of the nightclub and the failure to address this, the air quality issues, the servicing and parking arrangements and the lack of progress with the agreement with LUL. Concern was also expressed about the height and the density of the application, the separation distances, the lack of amenity space and contributions for off site play space. Due to these issues, Members felt that the proposals would result in the overdevelopment of the site.

On a vote of 1 in favour of the Officer recommendation to grant planning permission, 6 against and 1 abstention, 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 and 2 abstentions 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 12-storey building, 46 residential units, 779sqm (GIA) commercial floorspace (A1, A2 & B1), landscaping, public realm improvements, access and servicing (including 1 disabled car parking space; 99 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:

1. Height, bulk and massing and impact on townscape
2. Density and overdevelopment of the site
3. The servicing provision
4. Loss of the community facility
5. Design of the proposal
6. 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

5.2 42-44 Thomas Road, London, E14 7BJ (PA/16/01041)

Update report tabled.

Paul Buckenham introduced the application for the demolition of existing buildings and redevelopment of the site to provide new buildings ranging from five to nine storeys comprising 184 residential units and 140sqm of flexible commercial space together with associated car parking, landscaping and infrastructure works

Kate Harrison (Planning Services) presented the report, explaining the key features of the site location and surrounds that had good transport links. Consultation had been carried out and the results of this were noted. It was reported that the demolition of the existing buildings on the site (of no heritage value), to provide a significant number of residential units was supported. The scheme had been significantly amended since its submission in April 2016 with regard to the building height and the introduction of sets backs in the design amongst other issues. The changes had minimized the amenity impacts. The revised scheme would also relate better to the water space and included a courtyard and a public access routes to the canal which was welcomed. The plans would deliver a generous amount of good quality housing. 35% of which would be affordable housing. There would also be a generous level of child play space and communal space. It was considered that the density of the proposal could be supported given the quality of the proposal and that it would cause no material harm to amenity. The scheme also complied with the various transport policies. Officers were recommending that the application was granted planning permission.

Members asked about the measures to prevent anti social behaviour on the site given experience at similar developments elsewhere near the waters edge. In response, the committee were reassured that the scheme would be secure by design and the scheme should increase natural surveillance. Furthermore the wider plans for the area should also increase activity and surveillance.

The Committee also asked questions about the impact on neighbouring amenity particularly the properties at Burdett Wharf. It was confirmed that the development opposite the application site on Burdett Wharf had a similar design and massing. Whilst these properties would experience some loss of light, (due in part to the design of the properties), it was considered that the impact on these properties would generally be acceptable, as shown in the consultant's report.

On a vote of 6 in favour and 1 against the Committee **RESOLVED:**

1. That planning permission be **GRANTED** at 42-44 Thomas Road, London, E14 7BJ for the demolition of existing buildings and redevelopment of the site to provide new buildings ranging from five to nine storeys comprising 184 residential units (Use Class C3) and 140sqm of flexible commercial space (Use Class A1, A2, A3 or D1),

together with associated car parking, landscaping and infrastructure works (PA/16/01041).

Subject to:

2. Any direction by the London Mayor.
3. The prior completion of a legal agreement to secure the planning obligations in the Committee report
4. That the Corporate Director, Place 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, Place is delegated power to refuse planning permission.
5. That the Corporate Director, Place is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report.
6. Any other conditions or informatives as considered necessary by the Corporate Director, Place.

The meeting ended at 9.30 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee

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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"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection.
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 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>Deadlines. 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 www.towerhamlets.gov.uk/committee - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 Scan this code to view the Committee webpages.
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none"> • Development Committee Procedural Rules - Part 4.8 of the Council’s Constitution (Rules of Procedure). • Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council’s Constitution (Responsibility for Functions). • Terms of Reference for the Development Committee - Part 3.3.4 of the Council’s Constitution (Responsibility for Functions). 	 Council’s Constitution

<p>Non-Executive Report of the:</p> <p>Strategic Development Committee</p> <p>28 June 2017</p>	 <p>TOWER HAMLETS</p>
<p>Report of:</p>	<p>Classification: [Unrestricted]</p>
<p>Strategic Development Committee Terms of Reference, Quorum, Membership and Dates of Meetings</p>	

<p>Originating Officer(s)</p>	
<p>Wards affected</p>	[All wards]

Summary

This report sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the Strategic Development Committee for the Municipal Year 2017/18 for the information of members of the Committee

Recommendations:

The Committee is recommended to:

To note the Strategic Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

1. REASONS FOR THE DECISIONS

- 1.1 This report is for the information of the Committee and no specific decisions are required

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable to noting reports.

3. DETAILS OF REPORT

- 3.1 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively.

3.1 The Committee's meetings for the year are set out in Appendix 3 to this report as agreed at the Council meeting on 17 May 2017.

3.2 In accordance with the programme, meetings are scheduled to take place at 7.00pm

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 There are no specific comments arising from the recommendations in the report. The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Full Council on 17 May 2017.

5. LEGAL COMMENTS

The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 17 May 2017

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 When drawing up the schedule of dates, consideration was given to avoiding schools holiday dates and known dates of religious holidays and other important dates where at all possible.

7. BEST VALUE (BV) IMPLICATIONS

7.1 There are no specific Best Value implications arising from this noting report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no specific SAGE implications arising from the recommendations in the report.

9. RISK MANAGEMENT IMPLICATIONS

9.1 The Council needs to have a programme of meetings in place to ensure effective and efficient decision making arrangements.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10. There are no Crime and Disorder Reduction implications arising from the recommendations in the report.

Linked Reports, Appendices and Background Documents

Linked Reports

None.

Appendices

Appendix 1 – Strategic Development Committee Terms of Reference and Quorum

Appendix 2 - Strategic Development Committee Membership 2017/2018

Appendix 3 - Strategic Development Committee Meeting Dates 2017/2018

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

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

None.

Officer contact details for documents:

- [N/A]

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3.3.8 Strategic Development Committee

Membership: Eight (8) Councillors (each political group may appoint up to three (3) substitutes).

Functions	Delegation of Functions
<p>1. To consider any matter listed within the terms of reference of the Development Committee where any one of the following applies</p> <ul style="list-style-type: none"> (a) Applications for buildings exceeding 30 metres in height (25 metres on sites adjacent to the River Thames) (b) Applications for residential development with more than 500 residential units, or on sites exceeding 10 hectares in area (c) Applications for employment floor space on sites of more than 4 hectares (d) Major infrastructure developments (e) Applications not in accordance with the development plan involving more than 150 residential units or a gross floor space exceeding 2,500 square metres (f) Applications on metropolitan open space involving buildings with a gross floor space exceeding 100 square metres (g) Applications for developments including 200 or more car parking spaces (h) Legal proceedings in relation to the matter are in existence or in contemplation (i) Three or more members of the Development Committee are disqualified in some way from participating in the decision (j) On an exceptional basis, the Development Committee has decided that a particular application should stand referred to the Strategic Development Committee (k) To consider any application or other planning matter referred to the Committee by the Corporate Director, Place where s/he considers it appropriate to do so (for example, if especially significant strategic issues are raised) 	<p>None</p>

It shall be for the Corporate Director, Place to determine whether a matter meets any of the above criteria

Quorum: Three (3) Members of the Committee

STRATEGIC DEVELOPMENT COMMITTEE**(Eight members of the Council)**

<i>Labour Group (4)</i>	<i>Independent Group (2)</i>	<i>Conservative Group (1)</i>	<i>People's Alliance of Tower Hamlets (1)</i>	<i>Ungrouped (0)</i>
Cllr Marc Francis Cllr David Edgar Cllr Sirajul Islam <i>Cllr Asma Begum</i> Substitutes:- <i>Cllr Danny Hassell</i> <i>Cllr Denise Jones</i> <i>Cllr John Pierce</i>	Cllr Md Maium Miah Cllr Gulam Robbani Substitutes:- <i>Cllr Muhammad Ansar</i> <i>Mustaquim</i> <i>Cllr Oliur Rahman</i>	Cllr Julia Dockerill Substitutes:- <i>Cllr Chris Chapman</i> <i>Cllr Peter Golds</i>	Cllr Shafi Ahmed Substitutes:- <i>Cllr Shah Alam</i>	N/A

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APPENDIX 3

SCHEDULE OF DATES 2017/18

STRATEGIC DEVELOPMENT COMMITTEE

- Wednesday 28th June 2017
- Thursday, 13th July 2017
- Thursday 17th August 2017
- Monday, 25th September 2017
- Thursday, 26th October 2017
- Tuesday, 30th November 2017
- Thursday, 11th January 2018
- Thursday, 15th February 2018
- Monday 19th March 2018
- Wednesday, 25th April 2018

Meetings are scheduled to take place at 7.00pm.

It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and other Members as appropriate.

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Agenda Item 7

Committee: Strategic Development	Date: 28 June 2017	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): 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

4.2 .

5. RECOMMENDATION

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

Agenda Item 7.1

Committee: Strategic Development	Date: 28 th June 2017	Classification: Unrestricted
Report of: Place Directorate	Title: Applications for Planning Permission	
Case Officer: Brett McAllister	Ref No: PA/14/02928	
		Ward: Lansbury

1.0 APPLICATION DETAILS

Location:	116-118 Chrisp Street, Poplar London, E14 6NL
Existing Use:	116 Chrisp Street – Vacant Public House (Use Class A4) 118 Chrisp Street – Vacant Light Industrial Building (Use Class B1c)
Proposal:	Demolish Public House (Class A4) and Former Tyre and Exhaust Centre Building Class B1/B2), Erect Mixed-Use Development Comprising Part 5, Part 10, Part 13 Storey residential development comprising 53 Flats (Class C.3) with Ground Floor Commercial Unit (Flexible Permission - Classes A1/A2/A3/A4), and Associated Cycle and Refuse Storage Facilities, Lay Out Amenity Areas and Electricity Sub-Station, Stop Up Existing Accesses, Form New Vehicular and Pedestrian Accesses onto Chrisp Street, and Create 3 Accessible Parking Spaces on Chrisp Street
Drawings:	1233 (PL) 170, 1233 (PL) 171 Rev. A 1233 (PL) 172 Rev. A 1233 (PL) 173 Rev. A 1233 (PL) 174 1233 (PL) 175 1233 (PL) 176 1233 (PL) 177 1233 (PL) 178 1233 (PL) 179 1233 (PL) 180 1233 (PL) 181 1233 (PL) 182 1233 (PL) 183 1233 (PL) 171 1233 (PL) 270 1233 (PL) 271 1233 (PL) 272 1233 (PL) 273

1233 (PL) 274
1233 (PL) 370
1233 (PL) 371
1233 (PL) 372
1233 (PL) 470
1233 (PL) 471
Accommodation Schedule PL

Documents:

- Design and Access Statement by Stephen Davy Peter Smith Architects
- Air Quality Assessment by Hawkins Environmental
- Statement of Consultation and Community Involvement by The Planning and Design Bureau
- Planning Statement by The Planning and Design Bureau
- Noise and Vibration Assessment by Hepworth Acoustics
- Daylight & Sunlight Assessment by Malcolm Hollis
- Transport Statement by EAS
- Affordable Housing Policy Statement by Affordable Housing Solutions
- Interpretive Report by RSA Geotechnics Ltd.
- Energy Assessment by Robinson Associates
- Sustainability Summary by Mulalley
- Flood Risk Assessment by Sherrygreen Homes Ltd.
- Wind Environment Assessment by WSP

Applicant: Sherrygreen Homes
Ownership: Sherrygreen Homes
Historic Building: N/A
Conservation Area: N/A

2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for demolition of a public house and vacant warehouse and redevelopment of the site to provide a residential-led development.
- 2.2 This application has been presented to members on two separate occasions on 28th July 2016 and 20th October 2016. On both occasions members were minded not to accept officer recommendation to grant planning permission for the redevelopment of the site. The first occasion a building up to 16 storeys was proposed comprising 71 units. This scheme was amended and a proposal for a 15 storey building with a reduced footprint comprising 63 units was presented on 20th October 2016. Concerns raised included height, bulk and massing, density and daylight/sunlight impacts.
- 2.3 The current proposal is a further amendment of the application, as the applicant has sought to work with officers to address the concerns raised by members. The current scheme proposes a building up to 13 storeys in height. The number of residential units now proposed is 53.

- 2.4 Officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.5 The proposed redevelopment of this brownfield site for a residential-led mixed-use development is considered to optimise the use of the land and as such, to be in accordance with the NPPF and development plan policies.
- 2.6 The development would provide a suitable mix of housing types and tenure and a significant affordable housing contribution (34% affordable housing by habitable room). Taking into account the viability constraints of the site the development is maximising the affordable housing potential of the scheme.
- 2.7 The residential quality of the scheme would be high. Out of the 10 affordable rented units 40% would be of a size suitable for families (4 units). All of the proposed affordable units would meet or exceed the floorspace and layout standards. The development would also include 2 larger affordable rented family units (4 bed 6 person). Lastly, 10% would be provided as wheelchair accessible.
- 2.8 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver good quality homes in a sustainable location. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.9 The impact from the development on residential amenity would be acceptable. The development has a significant adverse impact on the Equinox building opposite in terms of daylight and sunlight, development in particular; however this to be expected to a degree given the existing low rise nature of the application site. The design and massing of the development is considered to be appropriate for this urban site and as such, given the significant regenerative benefits of the proposal, the impact is considered acceptable.
- 2.10 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.11 The scheme would meet the full financial and non-financial contributions.

3.0 RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission subject to:

a) Any direction by the London Mayor

b) The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following planning obligations:

3.2 Financial Obligations:

- a) A contribution of **£20,987.60** towards employment, skills, training for construction job opportunities
- b) **£2,000** towards monitoring fee (£500 per s106 HoT's)

Total £22,987.60

3.3 Non-financial Obligations:

- a) Affordable housing 34% by habitable room (15 units)
 - 71% Affordable Rent at Borough Framework rental levels (10 units)
 - 29% Intermediate Shared Ownership (5 units)
- b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
- c) Car free agreement
- d) Three blue badge parking spaces to be funded by applicant at request of potential tenants for a term of 5 years.
- e) Commitment to market the ground floor non-residential unit for Class A4 use (drinking establishments) for a period of six months, before marketing for any other permitted use.
- f) Any other planning obligation(s) considered necessary by the Divisional Director of Place

3.4 That the Divisional Director of Place is delegated authority to negotiate and approve the legal agreement indicated above.

3.5 That the Divisional Director of Place is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

3.6 Conditions:

1. Three year time limit
2. Compliance with approved plans and documents
3. Samples and details of all facing materials
4. Details of any shopfront 1:50 including location of signage
5. Details of hard and soft landscaping, including boundary treatment and lighting
6. Details of play equipment
7. Details of green roof
8. Details of drainage and mitigation of surface water run-off
9. Details of all Secure by Design measures
10. Hours of construction and demolition
11. Demolition and Construction Management/Logistics Plan
12. Delivery and Servicing Management Plan
13. Details of any extract system serving an A3 use
14. Hours of operation for each of the commercial use
15. Travel Plan
16. Contaminated Land assessment and mediation strategy
17. Submission of Energy Statement
18. Details of cycle parking
19. Details of noise and vibration levels post completion testing
20. Details of piling, all below ground works and mitigation of ground borne noise
21. Scheme of highway improvement works as requested by LBTH Highways
22. Protection of DLR infrastructure
23. Car and Permit free agreement
24. Commercial unit to be Use Classes A1/A2/A3/A4
25. Details of wheelchair accessible units

- 26. Ventilation details for A3/A4 Use
- 27. Details of noise insulation between non-residential unit and residential premises.

3.7 Any other conditions considered necessary by the Divisional Director of Place.

3.8 Informatives:

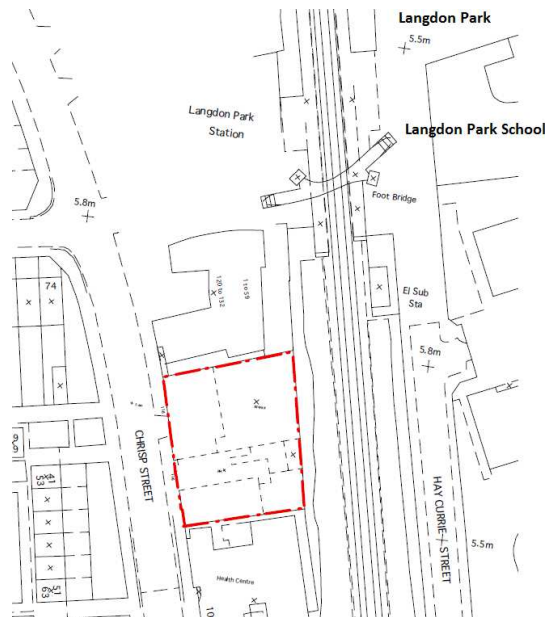
- 1. Subject to a S106 agreement
- 2. Thames Water standard informative
- 3. Building Regulations approval required
- 4. CIL liable

3.9 Any other informatives considered necessary by the Divisional Director of Place.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1. The application site is a broadly rectangular plot that measures 0.102ha in size. It is situated on the eastern side of Chrisp Street and is to the west of the DLR line that runs from Lewisham to Stratford.
- 4.2. The site comprises two plots – 116 and 118 Chrisp Street. No.116 to the south is occupied by a two storey public house – the now vacant Royal Charlie and includes its rear outbuildings and car park. 118 Chrisp Street comprises a vacant 2 storey warehouse. This warehouse was previously used as a tyre and exhaust centre.
- 4.3. To the north of the site is Parkview Apartments (120-122 Chrisp Street). This is a 19 storey residential building with ground floor commercial uses (an A3/A5 use is closest to the application site). It occupies most of its site, and comprises a slim tower set towards the rear of the site, with lower wings projecting towards Chrisp Street.
- 4.4. To the north of Parkview Apartments, beyond a pedestrianised street that connects Langdon Park Station with Chrisp Street, is a construction site for a consented residential development comprising buildings that will range from 5 to 22 storeys high.
- 4.5. Approximately 40m to the north east of the site is a Langdon Park DLR Station and Landon Park. On the other side of the DLR tracks to the east is Langdon Park school. Immediately to the south of the site is a 1 and 2 storey Health Centre and associated car park.
- 4.6. To the west, across Chrisp Street, is a relatively recent residential development of between 3 and 9 storeys in height, which is part of the Equinox development. The 9 storey element of the development faces the application site. Moving north there is a 2 storey terrace of postwar housing which faces Carmen Street and further north from that there is another relatively recent residential development of between 4 and 9 storeys in scale, which is another phase of the Equinox development.
- 4.7. The following site plan shows the site in relation to its surroundings:



- 4.8. Further afield there exists a recently built 20-storey building tower – ‘The Panoramic’, located to the south east of the application site at the meeting point of Hay Currie Street, Willis Street and Bircham Street.
- 4.9. The site is located at the northern end of the Crisp Street Market District Centre.
- 4.10. The proposed development site has a good Public Transport Accessibility Level (PTAL) of 4, with 6 being the highest. Langdon Park DLR station is located on the north-east and is approximately 100 metres walk from the site. The site therefore provides good connectivity. Bus stops exist on Crisp Street located just outside the site and 2 minutes walk away on Cordelia Street providing connections to Stratford, Canary Wharf, Bethnal Green and Canning Town.

Planning History

- 4.11. The two sites were previously in separate ownership and received separate planning permissions for buildings up to 10 storeys; however these consents were not implemented and have since expired.

118 Crisp Street - PA/08/00374

- 4.12. (1) Demolition of the existing single storey light industrial building with double pitched roof and redevelopment of the site by the erection of a part 5, part 8 and part 10 storey building for mixed use purposes.
- (2) Provision of 128 sq.m of commercial floorspace falling within use classes A1, A2, B1 or D1 at ground floor level plus a total of 28 self-contained flats (12 x 1 bedroom; 9 x 2 bedroom, 6 x 3 bedroom and 1 x 4 bedroom) together with bicycle parking, refuse/recycling facilities and amenity space.
Permitted: 04.07.2008
Expired without implementation: 04.07.2011

116 Crisp Street – PA/09/00357

- 4.13. Demolition of existing Public House and redevelopment of site to provide 95sqm of A3 use on ground floor; 20 residential units (comprising 9 x 1 bed; 6 x 2 bed & 5 x 3

bed); associated amenity space and 30 cycle spaces. Part 5 part 10 storeys in height.

Permitted: 03.06.2009

Expired without implementation: 03.06.2012

Proposal

- 4.14. This application was considered by the Strategic Development Committee on 28th July 2016. Members were minded to refuse the application for the following reasons:
- Overdevelopment of the site
 - Height, bulk and massing
 - The density of the proposal and the impact this would have had on the daylight/sunlight of neighbouring buildings
 - Loss of a public house
 - Underprovision of child play space and communal amenity space
 - Quality of the design
 - The existence of a separate entrance for the affordable units
- 4.15. Following this meeting officers worked with the applicant's to seek to resolve the above issues with the following key amendments:
- The scheme's footprint was reduced in addition to reductions in the height and massing.
 - The number of units was reduced as a result from 71 to 63.
 - The quality and quantity of communal and child play space for residents was increased by 70sqm.
 - A4 (drinking establishments) which includes public houses and bars, was included in the range of potential uses for the ground floor commercial unit.
- 4.16. This amended version of the application was considered by the Strategic Development Committee on 20th October 2016. Members were again minded to refuse the application for the two following reasons:
- Excessive height, bulk and massing of the proposal
 - Symptoms of overdevelopment particularly the daylight/sunlight impacts on the Equinox building

The Revised Proposals

- 4.17. Full planning permission is sought for demolition of existing buildings and erection of a building between 5 and 13 storeys in height to provide 53 residential units (23 x 1 bed, 21 x 2 bed, 7 x 3 bed and 2 x 4 bed) and landscaped amenity space, cycle parking, electricity substation and associated works. The formation of new vehicular and pedestrian access onto Chrisp Street is also proposed.
- 4.18. The front of the ground floor would contain a single entrance lobby and a 90sqm commercial unit that would be flexible between retail, financial and professional, restaurant and drinking establishment uses (use classes A1/A2/A3/A4). The rear of the ground floor would contain cycle storage rooms, bin stores, plant rooms and a substation. The external area between the rear elevation and the boundary of the site with the DLR tracks would be a 206sqm area of dedicated child play space and a 64sqm area of communal amenity space.
- 4.19. Floors 1 and 2 would consist of the affordable rented units, the 3rd floor would provide a mix of the 4 intermediate units and private units and all of the floors above this would contain private units.

- 4.20. The building would be 5 storeys where it meets Chrisp St, and would be stepped in again at the 10th floor where a communal amenity area of 140sqm would be provided and would rise to a total of 13 storeys to the rear of the site. The scheme will be based on a simple palette of high quality materials.
- 4.21. The proposed development would be car-free. A car permit free agreement will be entered into with Tower Hamlets to restrict future residents from access to parking permits.

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

5.3 London Plan MALP 2016

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.18 - Green infrastructure: the network of open and green spaces
- 3.1 - Ensuring equal life chances for all
- 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
- 3.13 - Affordable housing thresholds
- 4.12 - Improving opportunities for all
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 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
- 5.18 - Construction, excavation and demolition waste
- 5.21 - Contaminated land
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling

- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London's neighbourhoods and communities
- 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 noise and enhancing soundscapes
- 7.18 - Protecting local open space and addressing local deficiency
- 7.19 - Biodiversity and access to nature
- 7.21 - Trees and woodland
- 8.2 - Planning obligations

5.4 **Core Strategy 2010**

- SP01 - Town Centre Activity
- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- 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
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM8 - Community Infrastructure
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM13 - Sustainable drainage
- DM14 - Managing Waste
- DM15 - Local Job Creation and Investment
- 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 environments
- DM29 - Achieving a zero-carbon borough and addressing climate change
- DM30 - Contaminated Land

5.6 Supplementary Planning Guidance/Documents and Other Documents

Mayor of London

- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context - Draft (2013)
- Sustainable Design and Construction - Draft (2013)
- Accessible London: Achieving an Inclusive Environment (2004)
- All London Green Grid (2012)
- Housing (2012)
- London Planning Statement - Draft (2012)

Other

- Planning Obligations SPD 2016

5.7 Tower Hamlets Community Plan objectives

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

6.0 CONSULTATION RESPONSE

6.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The summary of consultation responses received is provided below.

6.2 The following were consulted regarding the application:

External Consultees

Transport for London

6.3 The following comments were received for the original 16 storey scheme, following re-consultation no further comments have been received:

6.4 Car Parking

Car free scheme is welcomed by TfL in principle. The applicant should therefore demonstrate whether 7 accessible car parking spaces can be feasibly achieved on site or within the local area.

6.5 Cycle Parking

93 cycle spaces are proposed internally at grade with access from the two cores, to serve the residential units an additional 8 spaces externally for visitors and commercial use. The external store should be covered and preferably covered by CCTV. Also, TfL request that the cycle parking is increased in conformity with the Further Alterations to the London Plan (FALP).

6.6 Walking

TfL has identified that this area suffers from poor wayfinding and therefore in accordance with London Plan policy 6.10 'Walking' TfL recommends that the applicant liaise with Tower Hamlets on the introduction of Legible London within the local area to help aid wayfinding in the area.

6.7 DLR
Langdon Park suffers from uneven loading, with some carriages busier than others, and this is exacerbated (particularly in poor weather) by the lack of full-length platform canopies at most stations. TfL requests a £75,000 contribution towards enhancements, including full length canopies, at Langdon Park station is secured. As this development includes the construction of a tall building adjacent to the DLR line TfL requests that conditions should be attached to the grant of any planning consent with the intention of protecting DLR infrastructure.

6.8 Buses
TfL considers that the impact of this development upon the bus network will be negligible and that there is sufficient capacity to cope in the minor uplift in bus passenger trips.

6.9 Freight
TfL understand that deliveries and servicing will occur on street however to ensure the smooth flow of traffic TfL's preference is for servicing to occur on site. The applicant should therefore demonstrate whether this would be feasible to provide on site. With consideration to the retail unit TfL would expect a Delivery and Servicing Plan (DSP) to be secured by condition.

Thames Water (TW)

6.10 TW do not have any objection to the above planning application in relation to sewage impact or Water Infrastructure capacity.

6.11 TW recommend a condition restricting impact piling.

Environment Agency (EA)

6.12 The following comments were received for the original 16 storey scheme, following re-consultation no further comments have been received:

6.13 EA have reviewed the Flood Risk Assessment we agree with its findings that the site levels are above the in-channel levels of the River Thames for the extreme tidal surge. The site is not affected by fluvial flood risk and is under 1 ha therefore they have no objection to the proposal nor any conditions to recommend.

Greater London Authority

6.14 The following comments were received for the original 16 storey scheme, following re-consultation no further comments have been received. The level of affordable housing offered in the previous version of the scheme was 37%. This has since been reduced to 29% following reductions in the number of units.

6.15 London Plan policies on the loss of local community asset (PH), affordable housing, density, design, energy and transport are relevant to this application. The application complies with some of these policies but not with others and reason and the potential remedies to non-compliance are set out below:

Affordable housing

6.16 Whilst the scheme is proposing affordable housing, the proportion is lower than the Council's minimum requirement of 35%. The Council may also opt to independently assess this scheme to ensure that the maximum amount of affordable housing is

being delivered, since new schemes within the Chrisp Street area are known to have achieved high provisions than the 24% proposed.

Housing

- 6.17 The residential housing mix appears to be appropriate.

Density

- 6.18 The Density is higher than the London Plan specification but the design quality is high.

Design

- 6.19 Design is generally supported. However the Council will need to be satisfied locally that there are no negative impacts to the uses to the southern elevation of the building and surrounding the site.

- 6.20 The sixteen-storey height (as originally submitted) of the proposal sits comfortably within the established and emerging context and is supported from a strategic perspective, given its location within the Chrisp Street Market district centre. The building height also responds to the scale of the taller development closer to Langdon Park Station, contributing to a gradual drop in scale further to the south along Chrisp Street.

Transport

- 6.21 Agreement for the enhancement of the DLR station required. CMP, Travel Plan, electric vehicle charging points, way-finding enhancements and more specific plans required.

Internal Consultees

Environmental Health – Contamination

- 6.22 Development of the site shall not begin until a scheme has been submitted to the local planning authority and written approval has been granted for the scheme.
- 6.23 The scheme will identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

Environmental Health - Noise and Vibration

- 6.24 The following comments were received for the original 16 storey scheme, following re-consultation no further comments have been received.
- 6.25 Noise should not be a material factor for refusal, although it is recommend that the design of the development is reviewed to accommodate the necessary measures to ameliorate noise, vibration and any likely groundborne noise, as some complaints are likely to be made after occupation.

Air Quality

- 6.26 The following comments were received for the original 16 storey scheme, no further comments have been received:
- 6.27 The Councils Air Quality Officer has advised that the submitted Assessment submitted is adequate.

Transportation and Highways

- 6.28 The following is a summary of the representations received from the Councils Transportation and Highways department. These comments were received for the 16 storey scheme, no further comments have been received.
- 6.29 Highways have taken on board the agreement of Parking Services to three on-street disabled parking bays. In this case it is recommended that the applicant enter into a legal agreement to provide funding for three bays over a five year period (after first occupation) so that the bays can be installed as and when required by residents who hold registered blue badges. Highways support the otherwise car-free approach. A 'Permit Free' agreement will be required, secured by the S106 agreement, which restricts all future residents (unless blue badge or those who qualify for the Permit Transfer Scheme) from obtaining a parking permit in the controlled parking zone.
- 6.30 Minimum of 90 cycle parking spaces is required without the additional for visitors and commercial use.
- 6.31 There are waiting restrictions in operation (as well as a bus stop on the frontage) and with these are inherent loading restrictions, which restrict loading to a 20 minute period, insufficient for a removals van for instance. With regards servicing, the pre-app advice given for on-street servicing is accepted.
- 6.32 The highway works surrounding this site are to be subject to a section 278 agreement

Sustainability

- 6.33 The following comments were received for the original 16 storey scheme, no further comments have been received:
- 6.34 The CO2 emission reductions proposed are anticipated to be policy compliant and deliver a 45% reduction against a Building Regulations 2013 baseline.

Waste

- 6.35 The following comments were received for the original 16 storey scheme, no further comments have been received:
- 6.36 The following is a summary of comments received.
- Residential and commercial bin stores must be segregated
 - require that the largest bin for residual waste is 1100 litres and recycling 1280 litres
 - require that the bin store is within 10 metres of the place where the refuse vehicle will stop and the area should have a dropped kerb

7.0 LOCAL REPRESENTATION

- 7.1 A total of 548 letters were sent to occupiers of neighbouring properties, a site notice was displayed outside the application site, and a press advert was published in the East End Life Newspaper.
- 7.2 A further round of public consultation has taken place since the receipt of the amended plans.

- 7.3 The number of representations received in response to notification and publicity of the various version application is as follows:
- 7.4 July 2016 application – 4 Objection letters
- 7.5 October 2016 application – 12 objection letters
- 7.6 Current version – 4 Objection letters (of these 2 have objected previously)
- 7.7 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:
- Royal Charlie pub is a community asset
 - Royal Charlie pub is a viable business
 - Too many flats in the area
 - Adverse impact on local services
 - Unused warehouse should be redeveloped
 - Development would affect the view from the properties on the opposite side of the road
 - Royal Charlie pub is historic building that should be protected
 - Proposals would block light and heat to neighbouring dwellings and GP practice to south
 - Overlooking of GP practice to south impacting confidentiality and comfort of patients
 - Closure of pub may lead to people loitering and anti-social behaviour
 - Increase in new housing in the area may cause vandalism and anti-social behaviour due to traditional community feeling 'replaced' by new residents.
 - DLR does not have the capacity to cope with further residential development
 - Adverse impact on traffic
 - Is there a possibility of Section 106 funding for increased amount of patients at the GP practice
 - The tyre centre was formerly an HGV services and may have contaminated land
 - Traffic and noise disruption from construction
 - Dust generated from construction would impact vulnerable patients of the Health Centre.
 - Damage to southern party wall and rare plant during construction
 - Wind channelling from the development.
 - Loss of privacy

8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee are requested to consider are:
- Land Use
 - Design
 - Housing
 - Amenity
 - Transport, Access and Servicing
 - Sustainability and Environmental Considerations
 - Planning Obligations

Land Use

- 8.2 The National Planning Policy Framework 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 – contributing to the economy through ensuring sufficient supply of land and infrastructure;
 - a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and
 - an environmental role – protecting and enhancing the natural, built and historic environment.
- 8.3 These economic, social and environmental goals should be sought jointly and simultaneously.
- 8.4 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.
- 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 for those living there.
- 8.6 The site is within the Chrisp Street district centre and the place of Poplar as set out in the Core Strategy SP12 Annex which seeks to create “a great place for families set around a vibrant Chrisp Street and a revitalised Bartlett Park”, with higher densities in and around the regenerated Chrisp Street town centre and lower densities around Bartlett Park.

Loss of public house

- 8.7 Public houses (Use Class A4) such as the Royal Charlie located at the site are considered to be community facilities. In line with Policy DM8 (3) of the Managing Development Document which manages the loss of such facilities the applicants were required to demonstrate that there is no longer a need for the public house within the local community including evidence of marketing effort at an appropriate rent.
- 8.8 The public house closed 30th January 2017. The applicant has advised that it was being subsidised by the applicant with a considerably lower than market rent in order to maintain a presence in the building to avoid squatters and vandalism. However, even with the very low rent, the applicant has advised that rent arrears built up and rooms were being let as accommodation in the building without the consent of the applicant. The condition of the building is very poor with areas of the roof having fallen in and the building in its current state was considered no longer fit for purpose by the applicant. A decision was made to terminate the lease and install on-site security instead.

- 8.9 Before the public house closed the applicant submitted a Viability Study by Christie & Co for the submission which suggested the public house suffers from a consistently poor trade performance considered to be linked to rising costs within the industry, a poor location, a low customer base, the poor condition of the property and a number of competing public houses in the local area. The study concluded that the Public house is not viable in the long term and it can be seen this has been borne out, with the pub in rent arrears before the lease was terminated.
- 8.10 It is also noted, that the Council has previously granted the loss of the public house in PA/09/00357. However, given this consent has expired limited weight is given to this point.
- 8.11 With many of the sites surrounding the site having been re-developed, the loss of the public house which is not considered to be of any townscape merit amongst the various new residential developments of area, is considered acceptable.
- 8.12 The Committee has previously raised concerns over the loss of the public house and hence the applicant has looked at the opportunity for the re-provision of a public house or similar use within the proposed development. The application was subsequently amended to extend the range of flexible uses that could be permitted for the commercial unit to include drinking establishments (use class A4). In order to encourage this a S106 legal agreement seeking marketing for this use exclusively for a 6 month period would be entered into.
- 8.13 As such, overall the loss of the existing public house needs to be balanced against policy aims to optimise the use of the site and achieve ambitious housing targets. With the potential for its re-provision within the scheme, officers consider the loss of the public house acceptable in this instance, when considering the benefits to be gained with 53 additional residential units including much needed affordable housing.

Loss/reduction of employment space

- 8.14 Policy DM15 states that employment uses should only be lost if they are not viable or they are unsuitable for continued use. Evidence of a marketing exercise for approximately 12 months is usually required to demonstrate that there is no demand for the existing employment use before a loss will be accepted. This has not been provided.
- 8.15 The applicant states that the tyre and exhaust centre building (B1c) on the site has been vacant since 2008. The building is in a poor condition which would take investment to be suitable to reuse. The building is an unsympathetic feature of the townscape in this residential/town centre location and is unlikely even with investment to generate a high level of employment. In this case and in light of the intense pressure outlined to provide new housing the loss of the warehouse is considered acceptable. Its replacement with high-quality residential with 90sqm of commercial uses at ground floor is considered by officers to be the most efficient and appropriate use of the site, taking into account the emerging residential context.

Principle of residential use

- 8.16 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan (FALP 2015) seeks to alleviate the current and projected housing shortage within London through provision of an annual average of 42,000 net new homes. The minimum ten year target for Tower Hamlets, for years 2015-2025 is set at 39,314 with an annual monitoring target of 3,931. The need to address

the pressing demand for new residential accommodation is addressed by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.

- 8.17 The principle of residential use at this site is acceptable in line with SP02 (1a) which focuses new housing in the eastern part of the borough including the Poplar.
- 8.18 Given the above and the residential character of surrounding area around the site, the principle of intensification of housing use on this brownfield site is strongly supported in policy terms.

Proposed flexible commercial space

- 8.19 In terms of the proposed non-residential uses at the site, it is proposed that the single 90sqm unit on the ground level of the building would have a range of potential uses. At the July 2016 committee the range of uses included retail/professional/restaurant (Use class A1/A2/A3). Drinking establishment (Use class A4) was included in this range ahead of the October 2016 committee and this would be conditioned as such. As mentioned above, in order to encourage the re-provision of the public house a S106 legal agreement seeking marketing for this use exclusively for a 6 month period would be entered into.
- 8.20 It was considered that the proposed inclusion of office (Use Class B1), which was originally part of the range of potential uses, would not activate the street frontage and be unlikely to be occupied for office use, so this use was removed. Conversely officers consider financial and professional services (Use Class A2) to provide an active frontage which has therefore been included in the range of appropriate flexible uses for the commercial unit.
- 8.21 Regarding the proposed retail use, an increase in floorspace and units within the designated Crisp Street district centre is supported in accordance with the SP01 (4a) of the Core Strategy which looks to encourage additional comparison retail in town centres.
- 8.22 Restaurant/café/drinking establishment uses are also directed to designated town centres providing there is not an over-concentration of such uses and there is a separation of at least two non-A3/A4/A5 unit between each A3/A4/A5 unit in accordance with Policy DM1 (4) of the Managing Development Document. It is acknowledged that the neighbouring unit to the north is in use as a café/takeaway however there are no other A3/A4/A5 uses in the immediate surrounding area that would amount to an overconcentration. The restaurant/café use is therefore considered acceptable.

Design

- 8.23 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.24 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,

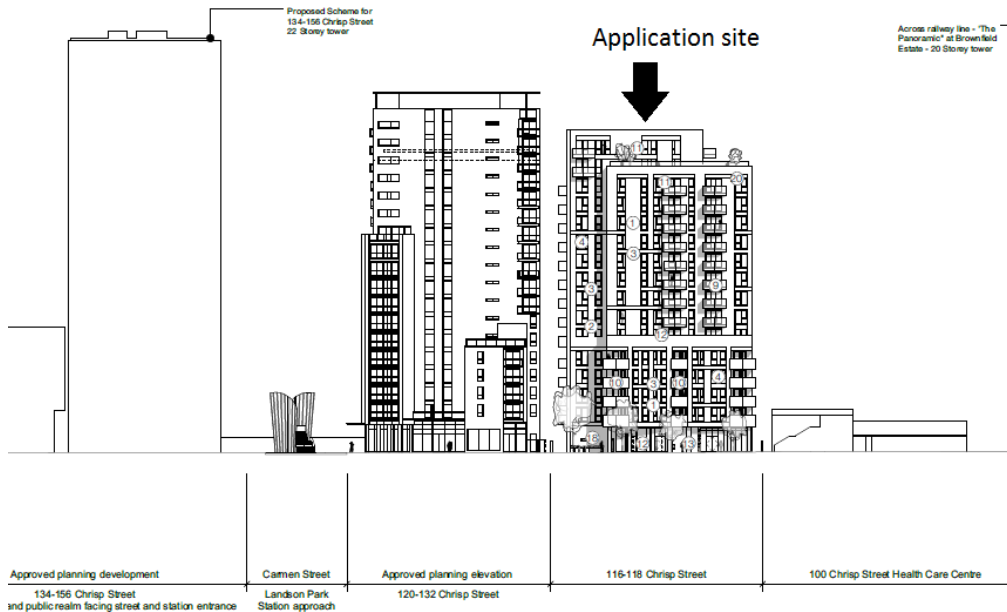
- create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.25 Chapter 7 of the London Plan places an emphasis on high quality design in new development.
- 8.26 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. 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.
- 8.27 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.

Height & Massing

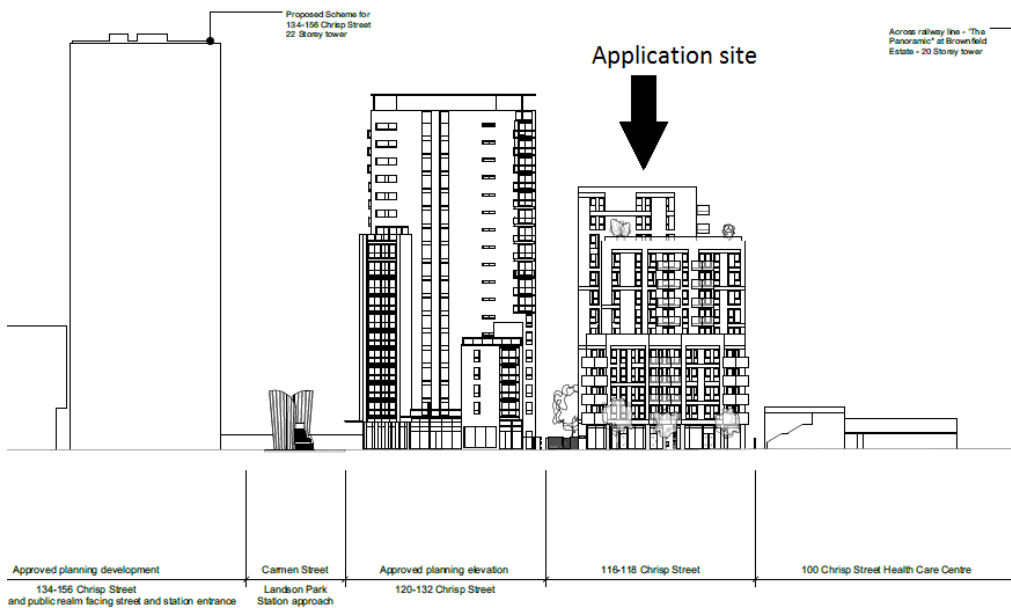
- 8.28 With regards to appropriateness of the development of tall buildings, this has been considered in the context of London Plan and Local Plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2016) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 8.29 SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate well to design and context, environment, socio-economic factors, access and transport and aviation requirements. Policy DM26 of the Managing Development Document supports the Core Strategy and states that building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings.
- 8.30 The building's tallest element was originally 16 storeys but following the July committee was reduced to 15 storeys and it has now been reduced to 13 storeys. The building is within the Chrisp Street Market district centre and is located close to Langdon Park DLR station where a number of tall buildings have been consented, built or are in the process of being built. As such, the principle of a 13 storey building at this location is supported as it would fall somewhere in the middle of the range of heights within the area.
- 8.31 The tallest element would be 4 storeys taller than the Equinox development immediately opposite (9 storeys) but would fall well below several recently built or consented schemes in the immediate surrounding area. These include: 'Parkview Apartments', (19 storeys) on the neighbouring site to the north; 134-156 Chrisp

Street, (22 storeys) currently being built further north on the other side of the DLR station and 'The Panoramic' south east of the site (20 storeys).

8.32 The following plans show the context street elevation from the originally proposed consented scheme to the current proposals.



Context street elevation showing the original scheme.



Context street elevation showing the current proposal.

8.33 In terms of massing, the proposal still follows similar principles to the Parkview Apartment with the building's tallest element positioned to the rear of the site closest to the DLR tracks. The height is then staggered as you move towards the front of the building. The central section of the building would now be 10 storeys, a reduction of 5 storeys from the original which is considered to significantly reduce the impression of the massing of the building. The building would still meet Chrisp Street at 5 storeys in

height, providing a human scale at street level that corresponds with the surrounding buildings here.

- 8.34 Responding to members concerns, the bulk and massing was removed from the northern part of the building before the October 2016 committee by reducing the footprint and pulling a projecting part of the building away from Parkview Apartments. This resulted in a significantly larger visual separation between the proposed development and Parkview Apartments, to the north, increasing the separation distance from 4m to 7.8m.
- 8.35 The proposed height, bulk and massing of the development being applied for has been further reduced. The current form is considered to be a further improvement on the previous scheme in that it more appropriately relates to its surroundings. The scheme provides a clear visual separation to the adjoining tall building to prevent the perception of a wall of tall development emerging along the east side of Chrisp Street.

Elevation Design & Materials

- 8.36 The elevation treatment and detailing have been well thought through and the architects have employed architectural techniques to create articulation and interest. The elevation treatment consists of high-quality brick as the main external material. Contrast and a breakup of the massing would be created through the use of a combination of red-buff bricks and grey bricks. Bands of vertical stack bonded bricks would be used to add interest. In the same way visual interest has been achieved on the southern elevation, which would be exposed in relation to the low-rise Health Centre and has much less fenestration, with a contrast of brick colours and brickwork detailing. A small step in this southern elevation has also been to further break up this elevation.
- 8.37 The communal entrance would be constructed with full height glazing and glass swing doors to the residential entrance. This would be sheltered with colonnade entrance area. It is considered that the ground floor layout is well-conceived with a good level of active frontage on Chrisp Street. The entrance foyer has been re-designed from the original plans to remove the tapering edge providing a positive, direct relationship to the street. The same entrance would be used by all residents, irrespective of the tenure of their homes. A planning condition is recommended to secure details of the proposed shop front for the retail (Class A1-A4) unit.
- 8.38 The windows would have deep reveals with high-quality aluminium frames. The proposed window details will be conditioned to ensure high thermal and acoustic levels are obtained. Further variation to the elevations would be provided by a combination of balcony types with perforated aluminium panelled balconies and projecting frameless glass balconies. At the front elevation, the balconies of the lower 5 floors would be inset. Officers consider that careful consideration has been given to the approach to fenestration and balcony locations as well as to the design of entrances.
- 8.39 To ensure the highest quality materials, all external materials would be reserved by condition.

Heritage

- 8.40 The site is not within a Conservation Area, however it would be visible in relation to the Langdon Park Conservation Area which is located approximately 100 metres to the north east of the site, on the opposite side of the DLR tracks.
- 8.41 The proposed development is considered to form part of an emerging cluster around Langdon Park DLR station of contemporary taller buildings. The design of the proposal has been subject to pre-application discussions between the applicant and Officers. Officers are satisfied that the buildings would form background buildings when viewed from the Conservation area and consequently preserve the appearance of the Langdon Park Conservation Area.
- 8.42 The Royal Charlie public house dates from the early 1870s, but appears to have been altered significantly since. It is not listed, locally listed or in a conservation area. There have been objections from local residents to its loss. Whilst it is possible to consider the public house as a non-designated heritage asset, the loss of the building would be outweighed by the significant public benefits of redeveloping a brownfield site to provide housing, including affordable housing with the potential for the ground floor to provide retail and drinking establishment uses.
- 8.43 Overall, officers are satisfied the proposal will preserve the character and appearance of neighbouring conservation areas.

Safety and security

- 8.44 The site has been design to high security standards. The site benefits from a prominent entrance on Chrisp Street. The proposed entrance and fenestration to the ground floor would result in a high proportion of active frontage. This would result in a high level of passive surveillance and have a positive effect on actual and perceived safety and security.
- 8.45 A condition would be attached to the permission for secure by design standards to be secured should the application be recommended for approval.

Landscaping

- 8.46 The proposal would provide 206sqm of dedicated child playspace at ground floor to the rear of the building. This would be well-designed and include toddler play space with low height/impact timber and steel play equipment, stepping stones and wetpour coloured safety surfacing and raised planters among a range of other features. An acoustic green barrier would be erected along the eastern boundary in order to mitigate noise generated from the passing DLR trains. The area would include a range of planting for visual and seasonal interest. A low hedge would surround the child play space.
- 8.47 In addition to the ground floor child play space there would also be two areas of communal amenity space. There would be a 64sqm space to the south of the child play space and a terrace on the 12th floor which would provide a further 140sqm of communal amenity space. These would again be well-designed and feature a range of planting, benches and communal tables.
- 8.48 The constrained sites provide limited space for an elaborate landscape scheme; however the proposed landscaping is considered to be well thought out, maximising

the opportunities in spatial terms and subject to final approval of details by condition, would be of a high quality.

Housing

- 8.49 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development” Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 8.50 As mentioned in the land use section of this report, delivering new housing is a key priority both locally and nationally.

Residential density

- 8.51 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council’s town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 8.52 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4. The London Plan defines “Central Areas as those with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre. The site and surrounding area has a character that fits the definition of a “Central” area given in the London Plan without being located within 800m walking distance of a major town centre, Canary Wharf Central Activities Zone being approximately 1,250m walking distance away.
- 8.53 Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics of 650 to 1100 habitable rooms per hectare (hrph) and with an average of just over 3 habitable rooms per unit: 215 to 405 units/hectare (u/h).
- 8.54 Following reductions in the size of the proposed building since the original submission the proposed density has been fallen from 2,138hrph and 693u/h to 1,464hr/ha and 529u/h. This brings the density much closer to the guidance in the table.
- 8.55 It should be noted that density only serves as an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Lack of open space and amenity space;
 - Increased sense of enclosure;
 - Loss of outlook;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure.

8.56 This report will go on to outline why officers consider that the scheme has limited symptoms of overdevelopment. Officers have sought to weigh up the applications impacts against the benefits of the scheme and in particular the provision of affordable housing.

Affordable housing

8.57 In line with section 6 of the NPPF, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London’s population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.

8.58 The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 of the Core Strategy 2010 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).

8.59 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate.

8.60 The number of units was reduced from 71 originally proposed to 63 units for the October 2016 committee. The scheme has now been further reduced to 53 units and the unit mix has also changed as a result. Despite the reduction in the number of units the applicants are still able to provide a significant affordable housing offer of 34% by habitable room. This equates to 14 affordable homes (43 habitable rooms).

8.61 This would be provided in the following mix:

	Units	% Units	Hab Rooms	% Hab Rooms
Affordable Rent	10	19%	36	24%
Intermediate	5	10%	15	10%
Total Affordable	15	29%	51	34%
Market Sale	38	71%	101	66%
Total	53	100	152	100%

Table 2: Affordable Housing Provision

8.62 The proposed delivery of 34% affordable housing is below the Council’s minimum policy target of 35%. The applicant submitted a viability appraisal which was independently assessed on behalf of the Council. Given the further reduction of overall floor space within the proposals, the 34% affordable housing offered is the maximum reasonable amount of affordable housing that can be provided whilst ensuring the scheme is viable, as required by the London Plan. The viability assessment has been independently reviewed by the Council’s own consultants who have demonstrated that the scheme cannot support in excess of 34% affordable housing.

- 8.63 Of the affordable accommodation all the rented units would be let in accordance with the Councils 2016/17 POD rents for this postcode area.
- 8.64 The proposed rents are 1 bed -£204.02pw, 2 bed -£214.12pw, 3 bed -£227.25pw, 4 bed -£266.64.
- 8.65 The applicants are providing an assessment, which will be included in an update report, of a 50/50 split between London Affordable Rent and TH Living Rent and how this would affect viability.
- 8.66 The intermediate properties are to be provided as shared ownership and would accord with affordability levels of the London Plan.
- 8.67 The tenure split between Rented and Intermediate, at 70:30, exactly meets the policy target.
- 8.68 There would not be separate access cores for affordable and private tenures but access by a single open-plan entrance lobby.
- 8.69 The proposal generally accords with policy targets and the tenure mix on site would assist in creation of a mixed and balanced community.

Dwelling mix

- 8.70 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 8.71 Policy SP02 of the Core Strategy also 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 (three-bed plus), including 45% of new affordable homes to be for families.
- 8.72 Policy DM3 (part 7) of the Managing Development Document requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).

8.73 The proposed dwelling mix for the revised scheme is set out in the table below:

Table 3: Dwelling Mix

Unit size	Total units	affordable housing						market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0	0	0%	0	0	0%	0	0	0%
1 bed	23	4	40%	30%	2	40%	25%	17	45%	50.00%
2 bed	21	2	20%	25%	2	40%	50%	17	45%	30.00%
3 bed	7	2	20%	30%	1	20%	25%	4	10%	20%
4 bed	2	2	20%	15%	0	0		0	0	
5 bed	0	0	0	0%	0	0		0	0	
6 bed	0	0	0		0	0		0	0	
Total	53	10	100%	100%	4	100%	100%	38	100%	100%

8.74 In terms of affordable Rented Housing:- 40% of one bed units against our policy requirement of 30%, 20% of two bed units against our policy requirement of 25%. 20% of three bed units, against our policy requirement of 30%, 20% of four bed units against our policy requirement of 15%. The affordable family rented units are providing 43% family units by habitable rooms, which is slightly short of our policy 45% family rented homes.

8.75 In terms of intermediate/shared ownership 40% are one bed units, against our policy requirement of 25%, 40% are two bed units against our policy requirement of 50% and 20% of three bed units against our policy requirement of 25%.

8.76 Within the private element of the scheme 45% of one beds are provided against the Council's policy requirement of 50%, 45% of two bed units against the policy requirement of 30%, 10% of three bed units against the policy requirement of 20%.

8.77 In terms of the affordable rented tenure the larger family rented units (4 beds) that have a separate kitchen provided are strongly supported. There is an overprovision of one bed units and an under provision of 3 beds. However the provision of 2 bed units and 4 bed units is broadly in line with policy. There is also an overprovision of 1 bed units in the intermediate but this is skewed by the relatively low numbers within this tenure. The overprovision of 1 bed units within both of these tenures can also be attributed to the reduction of the footprint of the building which meant that 3 bed units that were on the north of the building have been reduced to 1 bed units.

8.78 Within the private element of the scheme there as an overprovision of 2 bed units. There is also an under provision of 3 bed units for the reason mentioned above. It is considered that although there is this divergence from the policy targets, the scheme achieves a good provision of family-sized units for rent and it is considered that the housing mix is acceptable on balance.

Standard of residential accommodation

- 8.79 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime.”
- 8.80 All of the proposed units would meet or exceed the internal floorspace standards. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements.
- 8.81 Eleven of the 23 1-bedroom units would be single aspect. All of the other units within the scheme would be at least dual aspect. The single aspect units would either be oriented east or west, none would be north facing.
- 8.82 In terms of privacy all of the units would benefit from at least 16.5m separation distance between primary habitable room windows and those of surrounding buildings, where that relationship exists, such as with the Equinox building on the opposite side of Chrisp Street.
- 8.83 The only windows of Parkview Apartments that face the scheme are secondary high-level windows or windows to the corridor and stair core that would not compromise the privacy of the units on the northern elevation of the building. The separation distance is considered to offer an acceptable level of outlook ranging between 7.5m and 10m. There would be a similar distance between the windows on the southern elevation and the Health Centre (10m). However as this health centre building is two-storeys in height it is only considered to have a privacy impact on the bedroom windows of the lower floors (1-3) and a limited impact due to the health centre operating only within office hours.
- 8.84 DM25 of the MDD seeks to ensure that new development optimises the level of daylight and sunlight for the future occupants of new developments.
- 8.85 The Building Research Establishment (BRE) Handbook ‘Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice’ (hereinafter called the ‘BRE guidance’) provides guidance on the daylight and sunlight matters.
- 8.86 For calculating daylight to new developments, the BRE guidebook advises that average daylight factor is the most appropriate method of assessment. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- 8.87 The ADF assessment can be complemented by the No Skyline (NSL) test, which is a measurement of sky visibility. It can be the case that even where a flat has relatively low levels of illuminance as measured by the ADF test, where it has a good NSL score, occupants’ perception of the light to the room as a result of that good sky visibility may be positive.
- 8.88 The application is supported by a revised Daylight and Sunlight Assessment (DSA). The robustness of the methodology and conclusions are being appraised by the

Council's independent daylight and sunlight consultants and their conclusions will be included in the committee update report.

- 8.89 The submitted assessment identified that 12 rooms in the proposed development would not achieve the recommendations for ADF. As such, 88% of the habitable rooms achieve the relevant BRE standards which is considered acceptable.
- 8.90 Of 103 rooms tested for Daylight Distribution (DD), 78 (75%) will meet the target values as set out in the BRE guidelines.
- 8.91 Of the 103 rooms assessed 60 (58%) would meet the BRE target values for internal sunlight, with 43 falling marginally short of the guidance. The BRE guide recognises that the sunlight criteria is difficult to be fully achieved in flats, because of orientation constraints and density. It is stated that the aim of the design should be for each unit to have a main room which receives a reasonable amount of sunlight. 29 of the affected rooms are oriented within 90 degrees of due north, limiting their ability to achieve higher levels of sunlight. However, despite this constraint, the submitted assessment shows the north facing rooms will achieve reasonable levels of annual APSH. A further 6 of the rooms are recessed within the west elevation of the building and positioned adjacent to projecting walls, preventing higher levels of achievable APSH. 14 of the affected rooms are positioned directly below overhanging balconies which also inhibits the availability of sunlight, particularly during the summer months. Furthermore, 35 of the affected rooms within the proposed development are bedrooms, which the BRE states are less important in terms of sunlight.
- 8.92 Overall, it is considered that the proposal would provide an acceptable standard of living accommodation and amenity to the future occupiers of the scheme.

Wheelchair Accessible Housing and Lifetime Homes Standards

- 8.93 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.94 Five wheelchair accessible homes are proposed which amounts to just under 10% of the total units. These would be located within the private tenure part of the scheme as these units would the use of two lifts.
- 8.95 The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. Three disabled accessible parking space would be provided on Chrisp Street in accordance with need. This is considered acceptable taking into the site constraints.

Private and communal amenity space

- 8.96 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 8.97 All of the proposed units would have a private balcony or terrace that is at least 5sqm in area and 1.5m wide and would meet the minimum standards set out in the MDD. The two larger family units would generously exceed the minimum standards.

- 8.98 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a total of 103sqm of communal amenity space is required within this development.
- 8.99 The scheme provides 64sqm of communal amenity space at ground floor for the affordable units and 140sqm of communal space on the roof of the 10th storey element of the building for the intermediate and private units. If you split the policy requirement of 93sqm proportionally by habitable room the requirement for the affordable part of the development would be 27sqm and the remaining part of the development 66sqm. The proposals generously exceed the policy requirement in both cases.
- 8.100 Overall, the proposed provision of private and communal amenity space would meet the policy requirements and make a significant contribution to the creation of a sustainable, family friendly environment.

Child play space

- 8.101 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Applying the GLA child yield and the guidance set out in the Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' a benchmark of 10sqm of useable child play space per child is required.
- 8.102 The proposed scheme is anticipated to accommodate 24 children applying the GLA child yield. Accordingly, the scheme should provide a minimum of 240sqm of play space. This requirement is broken down as shown in Table 3.

Table 4 – Child Play Space

	GLA Child Yield	Required Space	Proposed within scheme
Under 5	6	60sqm	206sqm
5-11 year olds	6	60sqm	
12+ year olds	5	50sqm	
Total	24	170sqm	206sqm
Excess in play space			36sqm

- 8.103 The proposed development would provide 206sqm of dedicated child amenity space at ground floor level between the building and the eastern boundary. This scheme would therefore exceed the policy requirement for child play space by 36sqm.
- 8.104 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. Given the existence of facilities in nearby Langdon Park (140m walk away) and Bartlett Park (400m walk away), which fall within the above distances, the proposal would not include any dedicated on-site play space for older children. All of the space would be given over to children under 12 years. Officers are supportive of this approach.
- 8.105 Overall, it is considered that the proposal, subject to condition would provide a good play environment for children.

Amenity

- 8.106 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as to protect the amenity of the surrounding public realm with regard to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

Overlooking and privacy

- 8.107 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that overlooking distances will sometimes be less than the target 18 metres reflecting the existing urban grain and constrained nature of urban sites such as this.
- 8.108 Other than the ground floor which comprises the entrance lobbies and commercial unit the development has been designed with the primary aspects being east (across the DLR) and west (across Chrisp Street). A number of windows exist on the South elevation facing the Health Centre however it is considered that these would not result in any unacceptable privacy impact on this low rise community building as the windows in the lower floors of this elevation are bedroom windows which will tend not to be occupied as much during the office hours that the Health Centre will be open.
- 8.109 The Equinox development, to the west, on the opposite side of Chrisp Street would have a separation distance of more than 16 metres at the closest section to the application site (floors 1-4). This is considered an acceptable gap to maintain privacy within this urban location. Floors 5-9 would be 22.5m from the Equinox development providing a comfortable separation.
- 8.110 To the east there would be a large separation distance (45m) between the proposed building and Langdon Park School located across the DLR tracks.
- 8.111 The north facing windows of the flats in the section of the building facing Parkview Apartments would have a separation distance of between 7.5 and 10 metres. However, the only windows that would face the northern elevation of the scheme would be small high-level secondary windows. The other openings in this elevation serve a corridor and stair core. It is therefore considered that there would be no unduly detrimental privacy impact on Parkview Apartments.

Outlook and sense of enclosure

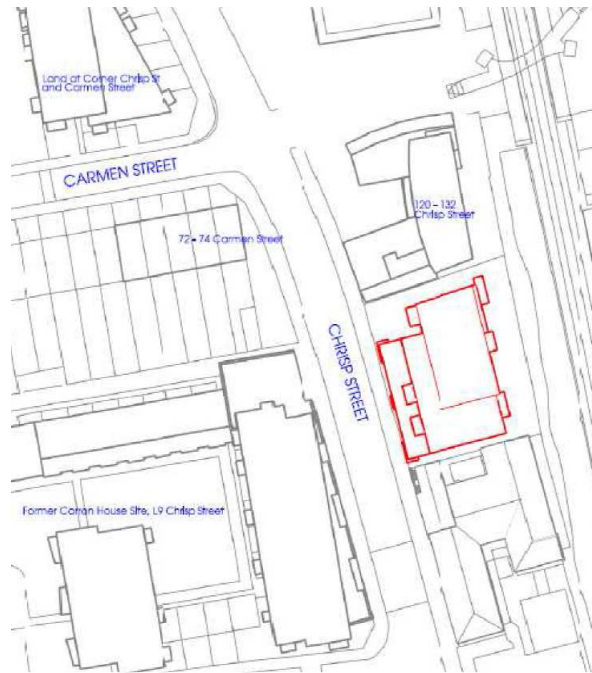
- 8.112 The distance between the development proposal and habitable rooms of adjoining properties would follow the separation distances mentioned in the above section and the proposed massing generally would not result in an overbearing appearance or sense of enclosure. The relationship of the proposed development with Parkview Apartments is most relevant here with a separation distance of between 7.5 and 10 metres. As mentioned in the above section, the windows in the southern elevation of

Parkview Apartments that directly face the development either serve circulation space within the building or are high-level secondary windows. The reduction in these windows outlook is not regarded as an issue. The outlook of the bedroom windows orientated east on floors 1-6 of Parkview Apartments would be considered acceptable.

Daylight, Sunlight and Overshadowing

- 8.113 Guidance relating to daylight and sunlight is contained 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 80% times its former value.
- 8.114 In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but advise that where reductions occur of more than 20% of the existing they will be noticeable to occupiers.
- 8.115 Member raised concerns with regards the daylight/sunlight impacts of the development at the July and October 2016 committees. The applicant has again submitted a revised Daylight and Sunlight Assessment prepared in line with the BRE methodology, which looks at the impact of the latest development on neighbouring properties.
- 8.116 The following closest surrounding buildings were tested in terms of how they would be impacted in terms of daylight, sunlight and overshadowing:
72-74 Carmen Street to the north-west,
Parkview Apartments to the north (120-122 Chrisp Street),
Equinox development to the west (Former Carron House Site L9)

The properties are shown in the following plan:



8.117 Of those windows tested in those buildings listed above only Parkview Apartments and the Equinox development had windows that did not pass the test for VSC. The following table shows a summary of the VSC results. The properties that fail VSC are discussed in more detail below.

Property Address	No. of Windows Analysed	BRE Compliant		Total Percentage BRE Compliant
		Yes	No	
Land at corner of Crisp Street & Carmen Street	30	30	0	100%
71 Carmen Street (Ballymore Scheme)	17	17	0	100%
120-132 Crisp Street	44	24	20	55%
Equinox, L9 Crisp Street	60	26	34	43%
72-74 Carmen Street	4	4	0	100%
Total	155	101	54	65%

Parkview Apartments

8.118 The windows which failed to achieve the guidelines in this building are the high level windows that run up the south elevation and 5 windows on the west elevation which are set back from the front elevation on floors 1-5.



Photo 1: Parkview Apartments – Southern Elevation

- 8.119 These high level windows on the southern elevation are secondary windows. The main windows to the rooms that they serve, achieve the BRE guidelines, and therefore large losses of light to these windows do not represent a failure to achieve the guidelines.
- 8.120 Five bedroom windows fail to achieve the guidelines on the west elevation at the lower levels, the development would result in their relative daylight being reduced by between 24.27% and 43.83%. The windows are shown on the white wall in the photo below:



Photo 2: Part West Elevation - Parkview Apartments

- 8.121 The wall adjacent to these bedroom windows already significantly limits daylight to these windows and makes them dependent upon daylight across the development site. A loss of light in a similar way to the south therefore results in the noticeable impact. It is considered that the specific design of the building with these windows set so far back from the front elevation leads to the impacts. The reliance of light across the application site unfairly compromises the development. Given the failures are isolated and the other windows within the development achieve the guidelines it is therefore considered acceptable.
- 8.122 In terms of the sunlight impacts on Parkview Apartments only 3 windows within this building would marginally fail to achieve the recommendations for loss of annual probable sunlight hours. These again would be the inset bedroom windows on the lower floors of the west elevation and again it is considered that the impacts are localised and the overall losses to sunlight to this building are acceptable.

Equinox Development

- 8.123 The Equinox development is a relatively recently completed nine storey residential development located to the west of the proposal site, on the opposite side of Chrisp Street. The ground floor is in commercial use. The top three storeys are set back from the main elevation. On the first to sixth floors, many of the windows on this east facing elevation are under inset balconies enclosing the windows from above and on their sides. Many of the windows are also recessed into the building. This makes the windows very dependent upon light from directly in front of them. The following photograph shows this building.



Photo 3: Equinox Building – Chrisp St Elevation

- 8.124 Of the windows tested at the Equinox building 34 would result in relative losses of daylight that fall outside of the BRE target values. A majority of the failures would be very significant resulting in VSC reductions of up to 85.59% in one case. 19 of the 34 windows would experience VSC reductions greater than 60%. The remaining 15 windows would be affected less significantly than these.
- 8.125 It is considered that the specific design of the Equinox building with inset balconies and the fact that the buildings opposite are presently low rise leads to these very large relative reductions in VSC.

- 8.126 The balconies significantly reduce the daylight received by the windows underneath them. BRE previously noted that losses would be increased by up to around 30% for the windows located under balconies in this case. It therefore can be seen that the self-design of the development leads to a reliance of daylight from directly in front of it and much greater losses of daylight than would otherwise be the case.
- 8.127 Moreover, the Equinox development was consented with the then two consented 10 storey developments (see Planning History) on the application site in mind. It should be borne in mind that the relative losses in VSC have been assessed against the context of two low-rise buildings opposite. It follows that if there was development of a similar size and scale to the Equinox development, such as the previously consented schemes on the application site, there then there would be a still less significant reduction in daylight caused by the currently proposed development. As a large development that blocks a significant amount of light itself, the applicant considers it is unreasonable for the Equinox development to rely on unimpeded light from the application site and which the design of the building with inset balconies exacerbates. Officers have some sympathy with this position.

Comparison with Impact of Previous Permissions

- 8.128 Within the applicants revised Daylight and Sunlight Assessment is a comparison between the daylight/sunlight impact of the previously consented 10 storey schemes and the proposal. The results indicate that the proposal would have slightly wider daylight/sunlight impact in some regards but less impact in others. In either case the impact would not be vastly different. In terms of VSC, 34 windows fail with the proposal compared to the 30 windows that would previously fail in the consented scenario. In terms of ADF the results show that there would be 10 windows that fall short of the guidance in the proposed scheme, this would be 2 less than the previously consented scenario. In terms of daylight distribution, the proposed scheme would result in 5 less windows failing short of the guidance than the 12 windows that would fail in the previously consented scenario which demonstrates a marginal improvement.
- 8.129 The most recent Daylight & Sunlight Assessment found that all windows within the Equinox building would receive adequate sunlight as defined by the BRE guidance.
- 8.130 Taking the above into consideration it is acknowledged that there would be impacts but it considered that the internal daylighting to the Equinox development would still be acceptable within the context and the dense urban nature of the site. It should be accepted that the general pattern of development in this area is higher and denser than used for setting the targets in the BRE Guidelines and it is therefore appropriate to apply a greater degree of flexibility. Especially given the existing buildings are low rise and redevelopment of the site is likely to have some impact.
- 8.131 Taking the above into consideration it is acknowledged that there would be certain daylight/sunlight impacts, in particular on the Equinox development but it considered that the internal daylighting to the Equinox development would still be acceptable within the context and the dense urban nature of the site. Given the existing buildings are low rise it is inevitable that redevelopment of the site at a similarly dense scale as the Equinox building will have a large impact.
- 8.132 The BRE guidelines should be interpreted flexibly and account should be taken of the constraints of the site and the nature and character of the surrounding built form. Officers consider that there are impacts; however benefits of the scheme outweigh those impacts given the nature of the area.

Noise and Vibration

- 8.133 Policy 7.15 of the London Plan (2015), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.134 The proposed development will experience high levels of noise from local road traffic along Chrisp Street which has a significant number of HGV and Bus movements and the DLR in close proximity to the development. Aircraft noise is also to a small degree a factor at this location, as flights from London City Airport regularly overfly this area.
- 8.135 A Noise and Vibration Assessment by Hepworth accompanied the application. The contents of the report takes into account the glazing specification required to achieve good noise insulation. Noise and vibration surveys have been undertaken at the site and daytime and night-time noise levels have been determined.
- 8.136 Appropriate noise mitigation measures have been recommended for the proposed residences which will ensure that internal and external noise levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233: 2014. These measures would be secured by condition.
- 8.137 It is considered that the quality of the build and these appropriate measures would guard against a significant impact on the amenity of the occupants of the proposed development.
- 8.138 In terms of vibration it has been predicted that the levels at the most exposed part of the proposed development will be below the range of "low probability of adverse comment" as stated in BS 6472: 2008. There will therefore be no requirement for any specific vibration control measures for the development.

Conditions have been recommended to ensure the hours of operation and servicing for any restaurant or drinking establishment (Use class A3/A4) use is controlled appropriately. Any A3/A4 use will be limited to opening hours between 09:00 and 23:30 on any day.

- 8.139 Overall, subject to conditions any adverse impacts on noise and vibration are suitable controlled and are acceptable.

Transport, Access and Servicing

- 8.140 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.141 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 by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective

SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met.

- 8.142 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that developments should be properly integrated with the transport network and should have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 8.143 The site benefits from good access to public transport, being located approximately 100 metres walk from Langdon Park DLR station to the north east. Bus stops are located on Chrisp Street just outside the site and 2 minutes walk away on Cordelia Street. The proposed development site has a Public Transport Accessibility Level (PTAL) of 4, with 6 being the highest.
- 8.144 Overall, the proposal’s likely highways and transport impact are considered to be minor and acceptable to the Council’s Transportation & Highways section. The relevant issues are discussed below.

Cycle Parking

- 8.145 The development would provide 90 covered secure cycle parking spaces with two main cycle parking stores. Bike Store 1 would have access from the entrance core from inside the building and Bike Store 2 would be accessed externally from the southern side elevation of the building. This arrangement is considered sufficiently convenient for cycle users. In addition to this 8 visitor spaces would be provided from 4 Sheffield stands at the front of the building. This complies with the London Plan (2016) standards

Car Parking

- 8.146 Policy DM22 sets out the Council’s parking standards in new developments.
- 8.147 The development would be subject to a ‘car free’ planning obligation restricting future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council’s permit transfer scheme.
- 8.148 Three on-street accessible spaces have been identified at the front of the development on Chrisp Street. This would be under the policy target of 5, representing 1 for each accessible unit within the development, however owing to the constrained site the provision of 3 spaces is considered acceptable. The Council’s Parking Services agreed on the location following a site visit with the applicant. Should planning permission be granted the applicant must enter into a S106 agreement to provide funding for three bays over a five year period (after first occupation) so that the bays can be installed as and when required by residents who hold registered blue badges rather than them all being installed from the outset. This approach is agreed by the Council’s Highways team.

Servicing and Refuse Storage

- 8.149 The Council’s Highway’s team have agreed that servicing can take place from Chrisp Street subject to a Service Management Plan that would be reserved by condition. It

is intended to conduct servicing within the constraints of the traffic controls along Chrisp Street. The latest controls show a single yellow line on-street with sign indicating restricted parking between 8.30 and 5.30 Monday to Saturday. This would allow maximum loading times during the restricted hours of 20 minutes and unrestricted loading outside of these limits. Deliveries or removals by HGV or equivalent that are likely to require longer than 20 minutes would be scheduled to take place outside of the restricted times.

- 8.150 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards. The proposed capacity of the waste storage has been calculated is in accordance with current waste policy.
- 8.151 The scheme is proposed to have a management scheme where the bins will be positioned from their dedicated stores within the building, to sit within the 10m distance from the pavement to meet the policy guidance. These locations, along the southern elevation of the commercial unit and at the north western corner of the site would only be used on the day of collection and would not obstruct passing pedestrians, residents or other companies requiring access.
- 8.152 There would be a separate commercial bin store ensuring residential and commercial waste is segregated.
- 8.153 A pavement crossing to permit bins to reach the rear of vehicles would be secured as part of a wider S.278 agreement reserved by condition.

Sustainability and Environmental Considerations

Energy efficiency and sustainability standards

- 8.154 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 NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.155 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) 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.
- 8.156 In line with London Plan policy 5.6, the Core Strategy policy SP11 seeks to implement a network of decentralised heat and energy facilities that connect into a heat and power network. Policy DM29 requires development to either connect to, or demonstrate a potential connection to a decentralised energy system.
- 8.157 The Managing Development Document policy 29 includes the target for new developments to achieve a 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. However, following the adoption of the Building Regulations 2013 (April 2014) the London Borough of Tower Hamlets have applied a 45 per cent carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.

8.158 The submitted Energy and Sustainability Statement has broadly followed the principles of the Mayor's energy hierarchy, as detailed above, and seeks to focus on using less energy, delivering heat efficiently and integration of renewable energy technologies. The energy strategy that meets the above policy will be secured by condition.

Biodiversity

8.159 Policy DM11 of the MDD requires developments to provide net benefits for biodiversity in accordance with the Local Biodiversity Action Plan (LBAP). A green roof is proposed, which is supported, and the detailed specification of the bio-diverse roof (substrate depth and type, species selection, bug habitats etc) can be agreed by condition.

8.160 With regards the landscaping proposed at ground level, trees have been chosen for their particular position in the landscape, i.e. tolerance of urban conditions, soil depths, confined space, shade tolerance, etc. The shrub and herbaceous planting includes a few good nectar rich plants which will also enhance biodiversity to an extent but a greater diversity of these plants is sought from the Council's biodiversity officer. A further condition relating to additional planting details will be attached to the permission.

Land Contamination

8.161 The site has been identified as having potential historic contamination. In accordance with the Environmental Health Contaminated Land Officer's comments a condition will be attached which will ensure the developer carries out a site investigation to investigate and identify potential contamination.

Flood Risk

8.162 The NPPF, London Plan policy 5.12 and Core Strategy policy SP04 make clear that there is a need to consider flood risk at all stages in the planning process.

8.163 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment.

8.164 The Environment Agency and Thames Water have raised no in principle objections to the proposal, subject to the imposition of suitable conditions which would be attached if planning permission was granted. Subject to these conditions, the proposal complies with the NPPF, London Plan policy 5.12 and Core Strategy Policy SP04.

Health Considerations

8.165 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough 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.

8.166 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

- Working with NHS Tower Hamlets to improve healthy and active lifestyles.

- Providing high-quality walking and cycling routes.
- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

8.167 The application proposal would result in the delivery of much need affordable housing. A proportion of housing on site would also be provided as wheelchair accessible or capable of easy adaptation.

Planning Obligations and CIL

8.168 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).

8.169 The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

8.170 Regulation 122 of 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.

8.171 Securing appropriate planning contributions is supported by policy SP13 of the Core Strategy which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate impacts of the development.

8.172 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides further guidance on the planning obligations policy SP13.

8.173 The SPG also sets out the Borough's key priorities:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.174 The proposed heads of terms are:

Financial Obligations:

- a) A contribution of **£20,987.60** towards training skills for construction job opportunities
- b) **£2,000** towards monitoring fee (£500 per s106 HoT's)

Total £22,987.60

8.175 The following non-financial planning obligations were also secured:

- a) Affordable housing 34% by habitable room (15 units)
71% Affordable Rent (10 units)
29% Intermediate Shared Ownership (5 units)
- b) Access to employment
20% Local Procurement
20% Local Labour in Construction
- c) Car free agreement
- d) Highways s278 agreement
- e) Three blue badge parking spaces to be funded by applicant at request of potential tenants for a term of 5 years.
- f) Obligation to market the ground floor non-residential unit for Class A4 purposes only for a period of 6 months initially.

8.176 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to key priorities. Finally, it is considered that the S106 pot should be pooled in accordance with normal council practice.

Local Finance Considerations

8.177 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provide. "In dealing with such an application the authority shall have regard to:

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

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

- a) 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
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

8.178 In this context "grants" might include the Government's "New Homes Bonus" - a grant paid by central government to local councils for increasing the number of homes and their use. The Community Infrastructure Levy liable would be the London CIL and Tower Hamlets CIL.

8.179 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £101,166 in the first year and a total payment £606,993 over 6 years.

8.180 Tower Hamlets CIL liability would be £117,150 and the London CIL liability would be £139,908.

The Committee may take these estimates into consideration when determining the application.

Human Rights Considerations

- 8.181 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:
- 8.182 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 of Human Rights 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".
- 8.183 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.
- 8.184 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and 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 Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.185 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.
- 8.186 The balance to be struck between individual rights and the wider public interest has been carefully considered. Having taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement, officers consider that any interference with Convention rights is justified.

Equalities Act Considerations

8.187 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.

8.188 The proposed contributions towards, commitments to use local labour and services during construction, apprenticeships and employment training schemes, provision of a substantial quantum of high quality affordable housing and improvements to permeability would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

9.0 CONCLUSION

9.1 All other relevant policies and considerations have been taken into account. Planning permission should be GRANTED for the reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections and the details of the decision are set out in the RECOMMENDATION at the beginning of this report

10.0 SITE MAP



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Agenda Item 7.2

Committee: Strategic Development	Date: 28 th June 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for full Planning Permission
Case Officer: Richard Humphreys	Ref No: PA/15/02528 GLA Ref. D&P/2438a
	Ward: Canary Wharf

1. APPLICATION DETAILS

Location: Land south east of Cuba Street and north east junction of Manilla Street and Tobago Street, E14.

Existing Uses: Vacant land previously used for temporary car park and construction works site. Last occupied by dwellinghouses, a print works, engineering workshop and a warehouse.

Proposal: Redevelopment to provide a residential-led mixed use development comprising two buildings of up to 41-storeys and 26-storeys. Provision of 434 residential units, 38 m2 of flexible retail / community uses together with public open space and public realm improvements.

The application is accompanied by an Environmental Impact Assessment and represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Committee must take the environmental information into consideration.

Drawing and documents:

Drawings:

001	3	Site location plan
002	3	Existing site plan
003	4	Proposed site plan
100	7	Ground Floor plan L00
101	6	Floor plan L01
102	5	Floor plan L02
103	4	Floor plan L03
104	4	Floor plan L04
105	4	Floor plan L05
106	4	Floor plan L06
107	4	Floor plan L07
108	4	Floor plan L08
109	4	Floor plan L09
110	1	Floor plan L10
111	1	Floor plan L16
112	1	Floor plan L17
113	1	Floor plan L18
114	4	Floor plan L20
115	1	Floor plan L22
116	1	Floor plan L23

117	1	Floor plan L24
118	4	Roof plan L26
119	1	Floor plan L27
120	1	Floor plan L28
121	4	Roof plan L41
130	5	Ground Floor plan L00
131	4	Floor plan L01
132	4	Floor plan L02
133	3	Floor plan L03
134	4	Floor plan L04,L06
135	2	Floor plan L05, L07
136	3	Floor plan L08,L10, L12, L14
137	1	Floor plan L9, L11, L13,, L15
138	1	Floor plan L16
139	1	Floor plan L17. L19, L21
140	1	Floor plan L18,L20, L22
141	1	Floor plan L23, L25
142	1	Floor plan L24
143	2	Floor plan L26
150	5	Floor plan L00
151	5	Floor plan L01
152	3	Floor plan L02
153	3	Floor plan L03
154	3	Floor plan L04
155	3	Floor plan L05
156	3	Floor plan L06
157	3	Floor plan L07
158	3	Floor plan L08
159	4	Floor plan L09, L11, L13, L15, L17, L19, L21, L23, L25
160	2	Floor plan L10, L12, L14, L16, L18, L22, L24, L25
161	2	Floor plan L20
162	2	Floor plan L27, L29, L31, L33, L35, L37, L39
163	4	Floor plan L30, L32, L34, L36, L38, L40
164	2	Roof plan L41
B01	4	Basement floor plan LB1
B11	3	Basement Level B11
160	2	West building Typical Lifetime Homes Plan
161	2	East building Typical Lifetime Homes Plan
162	2	West building Typical Wheelchair Adaptable Plan SO
163	2	East building Typical Wheelchair Adaptable Plan
164	1	West building Typical Wheelchair Adaptable Plan SR
165	1	West building Typical Wheelchair Adaptable Plan P
202	4	Proposed North elevation in context
203	1	Proposed East elevation in context
204	2	Proposed South elevation in context
205	4	Proposed West elevation in context
210	3	West building North elevation
211	2	West building South elevation
212	3	West building West elevation
213	2	West building East elevation
214	1	West building West -Low Level Detailed elevation
230	3	East Building North Elevation
231	2	East Building South Elevation
232	3	East Building West Elevation

233	2	East Building East Elevation
234	1	East Building Typical Level Detailed Elevation
235	1	East Building High Level Detailed Elevation
236	1	East Building Intermediate Level Detailed Elevation
237	2	East Building Low Level Detailed Elevation
238	1	East Building South Elevation Typical Level Detailed
239	2	East Building South Elevation Low Level Detailed
240	2	South Elevation - Coloured
241	3	North Elevation - Coloured
242	3	West and East buildings - Coloured
253	1	West Building Section AA
254	2	West Building Section BB
255	2	East Building Section AA
256	2	East Building Section BB

Documents

Design and Access Statement (3D Reid) plus Addendum February 2016, 2nd Addendum September 2016, 3rd Addendum November 2016 and 4th Addendum May 2017;
Landscape Strategy (Exterior Architecture);
Landscaping Statement Addendum May 2017 (Exterior Architecture);
Environmental Statement, including Townscape Assessment (Aecom & Peter Stewart Consultancy);
Cuba Street Cumulative Scenario Wind Assessment RWDI
Environmental Statement of Conformity (Aecom);
Structural Strategy (Price & Myers);
Drainage Strategy (Price & Myers);
Transport Assessment, including a Travel Plan, Delivery and Servicing Plan and Construction Management Plan (Aecom);
Energy and Sustainability Statement with Preliminary Code for Sustainable Homes Assessment, BREEAM Pre-Assessment and Energy Strategy (Aecom);
Addendum: Energy Strategy (Aecom);
Affordable Housing Statement (GVA);
Planning Note to support 35% Affordable Housing, GVA 14.06.2017
Financial Viability Assessment Ballymore Properties Limited 19th August 2016
Development Viability Report. BPC 3rd September 2016
Statement of Community Involvement (Thornecliffe);
Foul Water and Utilities Report (Aecom);
Daylight, Sunlight and Overshadowing Report (BDLA);
Operational Waste and Recycling Management Strategy (Aecom);

Applicant: Ballymore (Hayes) Limited

Ownership: Ballymore (Hayes) Limited

Historic Building: None

Conservation Area: None but within setting of the UNESCO Maritime Greenwich World Heritage Site

2. EXECUTIVE SUMMARY

- 2.1 The following report concerns an application that has been with the council since 2015. Revised plans were submitted in June 2017 that altered the dwelling mix, reduced the proposed number of residential units from 448 to 434, increased the amount of child play space and raised the affordable housing offer to 35%.
- 2.2 The revised application has been assessed against the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the development plan for the area that comprises the London Plan 2016 and the Tower Hamlets Local Plan (jointly the Core Strategy 2010 and the Managing Development Document 2013) together with other material considerations including the Mayor's 'Housing' Supplementary Planning Guidance 2016, the Council's South Quay Masterplan Supplementary Planning Document 2015 and the Building Research Establishment's handbook – '*Site layout planning for daylight and sunlight: a guide to good practice.*'
- 2.3 The site is vacant and unallocated in the Local Plan. The council determined in 2003 that the site is suitable for residential development. In land use terms redevelopment for residential, retail / community use and public open space complies with the NPPF, the principles of the development plan, the South Quay Masterplan SPD and is strongly supported.
- 2.4 The development would however fail to accord with development plan policy regarding the optimisation of the site's housing potential, the character of the area and criteria for the location of tall buildings. The proposed residential density approaches three times the upper figure of the indicative density range provided London Plan Table 3.2 – '*Sustainable residential quality density matrix*' for areas with PTAL4 'Good'. The site is identified in the South Quay Masterplan SPD as being suitable for the location of a building no taller than 12-storeys. It is considered that the resultant site layout and design would produce a scheme out of context with its surroundings. Cuba Street is not a point of civic or visual significance requiring emphasis by tall buildings. There would be significant adverse impacts typically associated with overdevelopment including unsatisfactory sunlight / daylight both within the development and impact on adjoining residential premises, together with overlooking and inadequate privacy due to the proximity with adjoining buildings. The impacts are considered serious and to significantly outweigh the potential public benefits of the scheme by the provision of new housing, including affordable housing and open space.
- 2.5 The scheme would be visible from the Maritime Greenwich World Heritage site and would be observed in the foreground of the Canary Wharf skyline in this iconic view but would not cause harm to the designated heritage asset. Strategic views in the London View Management Framework would not be adversely affected. There would be no adverse impact on significant local views.
- 2.6 Whilst standards for housing space and private amenity space would mostly be met, the dwelling mix in the market sector would fail to comply with the development plan with a significant over provision of 2-bed units and under provision of family accommodation failing to achieve a mixed and balance community. In the intermediate sector, there would be an overemphasis on 1 and 2 bed units and an entire absence of family units. Members have previously accepted such arrangements given concerns about the affordability of large intermediate units in the borough.

- 2.7 The council's consultant BNP Paribas calculate the scheme can viably afford 28% affordable housing measured by habitable rooms. The affordable housing offer (originally 16%) has been increased to 35% on the basis that flexibility is given to the residential mix of the private units and subject to no review mechanism being imposed except in case the planning permission is not implemented within 2 years of being granted. The revised offer is in line with the Local Plan target to secure between 35% and 50% affordable housing.
- 2.8 Transport matters, including parking, access and servicing arrangements are considered acceptable subject to conditions and legal agreements. There is adequate capacity on the public transport network to serve the development. Capacity increases are in hand including the Elizabeth Line (Crossrail) at Canary Wharf. It is considered that there would not be any significant detrimental impact upon the surrounding highways network.
- 2.9 The scheme would fail to meet development plan policy on carbon emission savings. Unless a connection can be made to the Barkantine District Heating network, mitigation would be required by a carbon offsetting financial contribution.
- 2.10 Subject to necessary conditions, the flood risk and drainage strategy, microclimate, waste management, noise and vibration, air quality, biodiversity, decontamination, electronic interference and airport safeguarding would all be satisfactory.
- 2.11 The application is referable to the Mayor of London under the following categories of the Schedule to the Mayor of London Order 2008:
- *Category 1A: "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats".*
 - *Category 1B: "Development (other than development which only comprises the provision of houses, flats, or houses and flats), which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 sq. m."*
 - *Category 1C: "Development which comprises or includes the erection of a building more than thirty metres high and outside the City of London".*
- 2.12 Once the council has resolved to determine its decision on the application, it is required to refer it back to the Mayor of London for his decision as to whether to direct refusal; take it over for his own determination; or allow the council to determine the application itself.

3 RECOMMENDATION

- 3.1 Subject to any direction by the Mayor of London, planning permission be **REFUSED** for the following reasons:

Reasons

Site design principles

1. The proposal amounts to overdevelopment that seeks to maximise, not optimise, the development potential of the site. There would be conflict with London Plan 2016 Policy 3.4 '*Optimising housing potential*' (including Table 3.2 - '*Sustainable residential quality density matrix*'), Policy 3.5 '*Quality and design of housing developments*,' Policy 7.6 '*Architecture*', Tower Hamlets Core Strategy 2010 Policy

SP02 '*Urban living for everyone*' and the Mayor's '*Housing*' Supplementary Planning Guidance 2016. This is explained further in the reasons below.

Urban Design

2. Statutory policies and supplementary planning guidance require development within the South Quay area to provide buildings and places of a high quality design, suitably located and sensitive to the locality. The proposed design, layout, height, scale and bulk of the development would be inappropriate for the context of the site. The scheme would conflict with the design principles within Chapter 7 of the London Plan 2016 particularly Policy 7.4 '*Local Character*', Policy 7.6 '*Architecture*' and Policy 7.7 '*Tall and large scale buildings*.' There would also be conflict with Tower Hamlets Core Strategy 2010 Policy SP10 '*Creating distinct and durable places*' and the Managing Development Document 2013 Policy DM24 '*Place sensitive design*,' Policy DM26 '*Building heights*,' the design principles of the South Quay Masterplan SPD 2015 and the Mayor's '*Housing*' SPG 2016. Whilst the development has the potential to generate public benefits, namely new housing including affordable housing and open space, the public benefits would not outweigh the significant harm that would ensue.

Impact on the surroundings

3. The development would unacceptably impact on the level of daylight and sunlight that would be received by surrounding properties, with a commensurate increased sense of enclosure, significantly breaching guidance in the Building Research Establishment publication '*Site Layout Planning for Daylight and Sunlight a guide to good practice*' 2011. There is particular concern about impacts on residential property in Tobago Street, Manilla Street and Cuba Street, where due to proximity there would also be unacceptable overlooking, loss of privacy and sense of enclosure to adjoining residential premises. The extent and severity of the impacts are such that the development would cause significant harm to the amenity of nearby occupiers and be inconsistent with the London Plan 2016 Policy 7.6 '*Architecture*', Tower Hamlets Core Strategy 2010 Policy SP10 '*Creating Distinct and durable places*' and the Managing Development Document 2013 Policy DM25 '*Amenity*.' There would also be conflict with the Placemaking Principles of the South Quay Masterplan SPD 2015 that require development to maximise levels of natural light. The impacts indicate that the proposed density, height, massing and layout of the scheme are inappropriate and significantly outweigh the potential public benefits of the scheme.

Housing quality

4. With the existing obstructions, some 200 of the near 1,100 rooms proposed within the development would not meet the British Standard minimum values for average daylight factor. With approved new developments in place, the number of rooms failing the average daylight factor criteria would rise to around 370, over a third of the total number. The development is consequently inconsistent with London Plan 2016 Policy 3.5 '*Quality and design of housing developments*' and Tower Hamlets Core Strategy 2010 Policy SP02 (6) '*Urban living for everyone*' that require all housing to be high quality, well-designed and sustainable together with the Council's Managing Development Document 2013 Policy DM25 '*Amenity*' that seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments, and the Placemaking Principles of the South Quay Masterplan SPD 2015 that require development to maximise levels of natural light.

Housing mix and choice

- The dwelling mix within the market sector would fail to provide a satisfactory range of housing and would not be compliant with the Tower Hamlets Local Plan. There would be a significant over provision of 2-bed units (21% above the 30% target) and a significant under provision of 3-bed+ family accommodation (15% below the 20% target) with an absence of units larger than 3-bed. The development would be inconsistent with London Plan 2016 Policy 3.8 'Housing Choice,' Policy 3.9 'Mixed and balanced communities,' Tower Hamlets Core Strategy 2010 Policy SP02 'Urban living for everyone' and the Managing Development Document 2013 Policy DM3 'Delivering Homes.'

4 SITE AND SURROUNDINGS

- The rectangular application site measures approximately 0.35 ha. It is bounded by Cuba Street to the north, Tobago Street to the west, Manilla Street to the south and an apartment block - 19 Cuba Street to the east. Cuba and Manilla Streets run east from Westferry Road, part of the A1206 that runs round the Isle of Dogs.

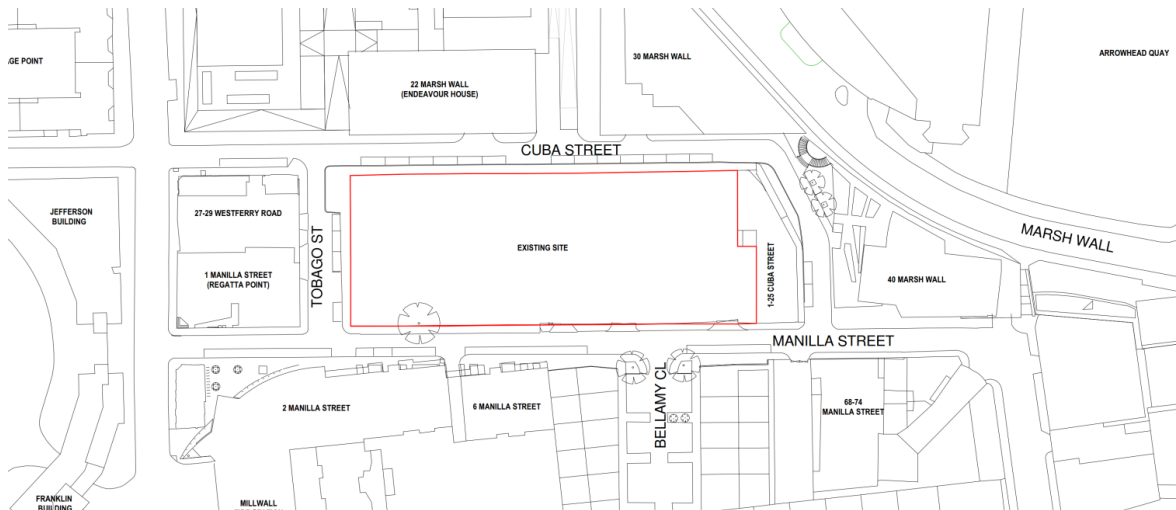


Figure 1. Site location plan

- The site is vacant following the demolition of a terrace of five dwelling houses, a print works, an engineering workshop and a warehouse and subsequent temporary use as a construction works site.
- Cuba Street runs east-west along the north side of the site, before turning south to Manilla Street. 19 Cuba Street, an 8-storey building some 10 years old, has its main frontage facing east onto the southern continuation of Cuba Street. The building's western elevation is largely blank, containing only windows to a corridor and staircase, and was designed to allow buildings to be constructed alongside.
- Immediately north of Cuba Street, the recently constructed 'Landmark' development, 22 Marsh Wall, comprises four buildings of 40-storeys, 27-storeys and two 8-storeys blocks used as 691 dwellings with retail, offices and community uses on the lower floors. An 8-storey block (Endeavour House) and the 27-storey block (Landmark East Tower) are sited north of the application site across Cuba Street.
- Also north of the application site, 30 Marsh Wall is a 5,519 m², 6-7-storey early 1990's building on basement, ground and five upper floors comprising offices and a former

NHS Drop in Centre with 32 basement car parking spaces accessed from Cuba Street. Application for planning permission Ref. PA/16/00477 to redevelop 30 Marsh Wall by a 43-storey building comprising 1,114 m² of commercial and community floorspace and 271 residential units was reported within the agenda for the Strategic Development Committee on 29th November 2016 but withdrawn by the developer's agent prior to consideration by the Committee.

- 4.6 Facing the application site to the west on Tobago Street are recent 5 & 6-storey residential blocks (Regatta Point / 1 Manilla Street & 1 Tobago Street) with ground floor commercial use and a service access. Planning permission has been granted for a rooftop extension at Regatta Point /1 Manilla Street (Ref. PA/15/00813) to provide a 2 bedroom flat.
- 4.7 South of the application site, Manilla Street is fronted along its western end by an apartment block, 2-6 Manilla Street, that rises to 7-storeys, part of the new Millwall (Canary Wharf) Fire Station development. Bellamy Close, a development of 3-storey dwellinghouses set perpendicular to Manilla Street lies to the east, immediately south of the application site.
- 4.8 Two flights of steps at the eastern end of Cuba Street provide pedestrian access to Marsh Wall that is set a full building storey higher.
- 4.9 East across Marsh Wall, the 1990's Britannia International Hotel is approximately 10-storeys tall. East of the Britannia Hotel, Arrowhead Quay is being redeveloped by the applicant's parent company to provide two buildings of 55 and 50-storeys to provide 756 residential units, a cinema and ground floor retail ('*Wardian*').
- 4.10 To the south-east, 40 Marsh Wall has been redeveloped with a 38-storey building to provide a 305 bedroom hotel (Novotel) and serviced offices (PA/10/1049).
- 4.11 There are no listed buildings in the vicinity and the site is not within a conservation area. It is some distance from the Tower of London and the Maritime Greenwich UNESCO World Heritage Sites but sits within a number of strategic views and river prospects identified in the Mayor's London View Management Framework including View 5A.1: Greenwich Park; View 6A.1 Blackheath; View 11B.1: London Bridge; View 11B.2: London Bridge; View 12B.1: Southwark Bridge, and View 15B.1: Waterloo Bridge.
- 4.12 The site has a Transport for London (TfL) public transport accessibility level PTAL4 'Good' and is within 300-400 m. of Heron Quays & South Quay DLR stations and 500 m. from Canary Wharf Jubilee Line Underground station. The Canary Wharf Elizabeth Line Crossrail station is due to open in 2018. Bus routes 135, 277, D3, D7 and D8 serve Marsh Wall & Westferry Road.
- 4.13 The streets east of Westferry Road are narrow unclassified local access roads. Cuba and Tobago Streets are one-way. The surrounding area is a CPZ with daytime waiting restrictions and permit parking bays.
- 4.14 The Isle of Dogs is served by cycle routes linking to the wider network. The nearest docking station of the Mayor's Cycle Hire scheme is some 400 m. distant north of West India South Dock.
- 4.15 The site is approximately 130 m. east of the River Thames. It lies within Flood Zone 3 (High Risk) i.e. greater than 0.5% per annum (less than 1:200 probability a year) but is

protected by local river wall defences and the Thames Barrier to 1 in a 1,000 year probability (Low Risk).

- 4.16 The site is unallocated in the Tower Hamlets Local Plan except for annotation within a Flood Risk Area. It lies outside the Canary Wharf town centre boundary. It adjoins but lies outside a Tower Hamlets Activity Area bounded by Cuba Street, Marsh Wall and Westferry Road. Cuba Street is part of the borough's 'Green Grid.'
- 4.17 The site lies within the GLA's Isle of Dogs & South Poplar Opportunity Area and on the southern edge of the Council's South Quay Masterplan Area. It is also located within the Isle of Dogs Neighbourhood Planning Area, a London City Airport Safeguarding Zone and the Crossrail SPG Charging Zone. The entire Borough of Tower Hamlets is an Air Quality Management Area.



Figure 2. View west along Cuba Street. Application site on left, 30 Marsh Wall & Endeavour House on the right



Figure 3. View south east from *The Landmark*



Figure 4. View east along Manilla Street. Nos. 2-6 Manilla Street on left. Regatta Point / 1 Manilla Street on right



Figure 5. View north along Tobago Street. Regatta Point / 1 Manilla Street & 1 Tobago Street on left. The 'Landmark' in the background

5 PROPOSAL

- 5.1 Application is made for full planning permission to redevelop the site by a residential-led mixed use development comprising two buildings of up to 41-storeys ('the east building') and 26-storeys ('the west building') for use as 434 residential units, with 38 m² of flexible retail / community use at ground floor in the west building.
- 5.2 The two buildings would "*book-end*" the site and their principal entrances would face a new public open space and child play areas with their short facades facing north and south. At the base of each tower '*town houses*' on two or three floors with defensible space outside the front doors are proposed. The publicly accessible open space would include two north-south pedestrian routes and a diagonal path providing pedestrian movement between Bellamy Close in the southeast and '*The Landmark*' in the northwest. The public space would be un-gated and available at all times. There would also be internal child play space for the under 5s within the 3rd floor of the west building and a communal amenity space to a Level 08 roof terrace of the east building.



Figure 6. Proposed ground floor layout

- 5.3 The affordable housing offer (June 2017) is 35.02% by habitable rooms within the lower floors of the west building that would have two cores and adjoining twin entrances.
- 5.4 Both buildings would have dedicated lifts and cycle parking. There would be 700 cycle spaces - 471 in the east building and 229 in the west building. Car parking on site would be limited to two spaces for disabled motorists within the ground floor layout of the east building. The applicant originally sought to provide two further parking spaces for disabled motorists on the public highway but these have been deleted as they could not be dedicated to residents of the new buildings.
- 5.5 The dwelling mix would be:

Unit type	Quantity
Studio	57
1 bed	113
2 bed	211
3 bed	32
4 bed	21
Total	434

5.6 A detailed breakdown of the proposed residential mix and tenure split is provided in 'Material Planning Considerations' – Section 10 below.



Figure 7. Proposed south elevation



Figure 8. Proposed View east along Cuba Street. N.B. Image taken from west of Westferry Road

6 MATERIAL PLANNING HISTORY

Application site

- 6.1 PA/02/01753: Demolition of existing buildings and erection of a 4 to 7-storey building to provide 1,226 m² of Class B1 (Business) floorspace, 5 live/work units; 109 residential flats and a basement car park. Approved by the Development Committee in August 2003. Withdrawn following failure to execute a legal agreement.
- 6.2 PA/11/01299: Application for full planning permission for mixed use development of two towers of 40-storeys and 52-storeys comprising 429 residential units and 120 bedroom hotel. Undetermined and finally disposed of 7th October 2013.

Adjacent and nearby sites

- 19 Cuba Street (adjoining to the east)
- 6.3 PA/03/01293. Redevelopment by the erection of a 7-storey building plus penthouse comprising of 26 apartments and 1 retail/commercial unit. Planning permission granted 6th June 2004. Constructed.

- 30 Marsh Wall
- 6.4 PA/13/03161: Redevelopment by a mixed use scheme over two basement levels, lower ground floor, ground floor and 52 upper floors (180 m. AOD) comprising 410 residential units, 1,781 m² of offices, 231 m² of community space, 73 sq. m. of café / shop, communal amenity space at 4th, 24th, 48th and 49th floors, plant rooms, bin stores, cycle parking and 50 basement car parking spaces. The application went undetermined and was disposed of by the Council, the applicant being advised of concerns regarding:

- Multiple symptoms of overdevelopment,
- Impact on the amenity of neighbouring residential development due to loss of daylight and overshadowing, overbearing sense of enclosure;

- Poor public realm legibility;
 - Conflict with tall buildings policy and failure to create an attractive human scale at street level;
 - Unsatisfactory dwelling mix with insufficient family housing;
 - Inadequate amount of affordable housing;
 - Deficiencies in the Environmental Statement.
- 6.5 PA/16/00477: Redevelopment by a 43-storey building for retail and community uses, 271 residential units. Withdrawn following a recommendation to the Strategic Development Committee on 29th November 2016 to refuse planning permission for the reasons summarised as follows:
- Overdevelopment seeking to maximise not optimise the development potential of the site.
 - Unacceptable impact on the daylight and sunlight that would be received by surrounding properties, with a commensurate increased sense of enclosure,
 - Density, height, massing and layout inappropriate.
 - Unacceptably effect on the development potential of the Cuba Street site to the south.
 - Deficiencies in housing quality standards including failure to meet the nationally described space standard and the Mayor's Housing SPG 2016 regarding private amenity space, communal amenity space and child play space. Unsatisfactory natural light within the proposed housing.
 - Microclimate conditions unresolved.
 - Conflict with urban design policy to provide high quality buildings and places suitably located and sensitive to the locality.
 - The Environmental Statement failed to comply with statutory requirements.

Alpha Square (50 Marsh Wall, 63-69 and 68-70 Manilla Street

- 6.6 PA/15/02671: Redevelopment by three buildings of 65, 20 and 34-storeys comprising 634 residential units, 231 hotel rooms, a health centre, school, ground floor retail with a landscaped piazza, public open space and vehicular access, car parking &, cycle storage with retention of the 'North Pole' Public House, 74 Manilla Street. Taken over by the Mayor of London. Planning permission granted by the Mayor 27th March 2017.

Land bounded by Park Place, Westferry Road and Heron Quay Road (Newfoundland)

- 6.7 PA/14/02134: Erection of a 58-storey and linked 2-storey building with basement to provide 568 residential units, 7 ancillary guest units, flexible Class A1-A4 retail use, car and cycle parking and pedestrian bridge. Permitted 5th December 2014.

Arrowhead Quay, Marsh Wall (East of the Britannia Hotel 'The Wardian')).

- 6.8 PA/12/03315: Construction of two buildings of 55 and 50-storeys to provide 756 residential units, a cinema and ground floor retail uses. Permitted 19th February 2015.

City Pride Public House, 15 Westferry Road

- 6.9 PA/12/03248: Redevelopment by a 75-storey tower comprising 822 residential units, 162 serviced apartments, Class A1-A4 retail uses and open space. Permitted 9th October 2013.

40 Marsh Wall (Novotel)

- 6.10 PA/10/01049: Redevelopment by a 38-storey, 305 bedroom hotel. Permitted 15th November 2010.

- The 'Landmark' 22-28 Marsh Wall, 2 Cuba Street & 17-23 Westferry Road
6.11 PA/05/00052: Construction of buildings 40, 30 and 8-storeys to provide 691 dwellings and retail, offices and community uses. Permitted 24th May 2006.

- 4 Mastmaker (Phoenix Heights)
6.12 PA/05/01781: Construction of buildings up to 21-storeys comprising 190 residential units, retail, food and drink and community use. Permitted 20th June 2007.

- Site north of Byng Street and junction of Westferry Road and Byng Street
6.13 PA//02/00891: Construction of a new Millwall Fire Station, bar/restaurant and gym and 173 residential flats in a 7 & 9-storey development with ancillary basement car parking. Permitted 6th February 2003.

Pre-application advice

- 6.14 Following the disposal of application PA/11/01299, the developer of the application site sought formal pre-application advice (PF/15/00111) on revised proposals. A series of meetings were held with GLA and council officers. By letter dated 4th September 2015, joint GLA/LBTH advice was provided that may be summarised as:

Background

- The application necessitates an Affordable Housing Viability Appraisal, a daylight/sunlight assessment, dwelling mix details and a wind tunnel assessment;
- Concern about the relationship to surrounding buildings particularly the proposed 26-storey tower's relationship with the new building to the south fronting Manilla Street and the taller tower's relationship with 30 Marsh Wall in terms of daylight / sunlight, overlooking and sense of enclosure. Unconvinced that the taller building at Cuba Street and proposals for 30 Marsh Wall can work together both within the context and their location opposite one another. Joint working between the two sites advised.

Height and massing

- The South Quay Masterplan identifies the site as a potential location for new public open space and at the eastern end a building with a maximum height of 10-storeys.
- Development Plan policies (MDD Policy DM26) adopts a town centre hierarchy directing tall buildings to Preferred Office Locations, the Central Activity Zone, Activity Areas and major centres. The site is outside these locations and the proposed building heights are contrary to policy.
- General support for a 2-tower approach rather than a single taller building.

Housing quality

- Concern that units up to 8th floor level of the 41-storey tower facing the existing residential development to the east would have poor outlook with a sense of enclosure. Information required demonstrating adequate lighting levels.

Summary

- 6.15 Officers supported the site's development but due to surrounding low rise development and the location outside the Tower Hamlets Activity Area advised there would be challenges in achieving a significant number of residential units.

7 LEGAL AND PLANNING POLICY FRAMEWORK & ALLOCATIONS

7.1 In determining the application the council (and the Mayor of London should he decide to take over the application), has the following main statutory duties to perform:

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).
- To have regard to the provisions of the development plan, so far as material to the application, to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) of the Town & Country Planning Act 1990).

The development plan

7.2 The development plan for Tower Hamlets comprises the London Plan 2016 and the Tower Hamlets Local Plan jointly the Adopted Policies Map, the Core Strategy 2010 and the Managing Development Document 2013. The London Plan was republished in March 2016 to bring it in line with national housing standards and car parking policy.

7.3 The following national, regional and local planning policies and supplementary planning documents are relevant to the application:

7.4 National policy

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Technical housing standards – nationally described space standard 2015

7.5 London-wide policy

The London Plan 2016

- 2.9 Inner London
- 2.13 Opportunity Areas
- 2.14 Areas for regeneration
- 3.1 Ensuring equal life chances for all
- 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
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 4.1 Developing London's economy
- 4.2 Offices
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 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
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 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
- 7.12 Implementing the 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
- 7.30 London's canals and other river and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

7.6 Local policy

Tower Hamlets Core Strategy 2010

- 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
- SP13 Planning Obligations

Tower Hamlets Managing Development Document 2013

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM2 Local shops
- DM3 Delivery Homes
- DM4 Housing standards and amenity space
- DM8 Community infrastructure
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water spaces
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- 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 environments
- DM28 World heritage sites
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated land

7.7 Supplementary Planning Documents

Greater London Authority

- The Mayor's Affordable Housing and Viability SPG (Draft 2016)
- The Mayor's Housing SPG May 2016
- Accessible London: Achieving an Inclusive Environment 2014
- Guidance on preparing Energy Assessments 2015
- Sustainable Design and Construction SPG 2014
- The Control of dust and emissions during construction and demolition 2014
- Shaping Neighbourhoods: Character and Context 2014
- London Planning Statement 2014
- Use of Planning Obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy 2013
- River Action Plan 2013
- London View Management Framework 2012
- East London Green Grid Framework 2012
- Shaping Neighbourhoods Play and Informal Recreation 2012
- London World Heritage Sites - Guidance on Settings March 2012
- The Mayor's Energy Strategy 2010
- The Mayor's Transport Strategy 2010
- The Mayor's Economic Strategy 2010

London Borough of Tower Hamlets

- The South Quay Masterplan SPD October 2015
- Planning Obligations SPD – September 2016
- Community Infrastructure Levy (CIL) Regulation 123 List September 2016

Historic England Guidance Notes

Historic England Advice Note 4 - Tall Buildings 2015

Building Research Establishment

Site layout planning for daylight and sunlight: a guide to good practice 2011

Emerging policy

Tower Hamlets Draft Local Plan 2031

- 7.8 Between 11th November 2016 and 2nd January 2017, the council undertook initial consultation on the 'Tower Hamlets Draft Local Plan 2031: Managing Growth and Sharing the Benefits' which once adopted will set out a vision, objectives and planning policies to positively plan and manage development in the borough up to 2031. Comments will inform an updated version of the Local Plan for further consultation in summer 2017. The Plan will then be submitted to the Government's Planning Inspectorate for public examination. Given the early stage of preparation, the new Local Plan carries little weight at present
- 7.9 The Isle of Dogs & South Poplar Opportunity Area Planning Framework (OAPF) is being written by the GLA with help from Tower Hamlets. Work started in 2015, with public consultation during 2016 and adoption anticipated in 2018.

8 CONSULTATION

- 8.1 The following bodies have been consulted. Representations received are summarised below. The views of officers within the Directorate of Place are expressed within Section 10 of this report - MATERIAL PLANNING CONSIDERATIONS.

External consultees

Greater London Authority

- 8.2 The Mayor considered the application at Stage 1 on 4th November 2015. The council was informed that whilst the principle of the proposal is strongly supported, the application does not comply with the London Plan but resolution of the following issues could lead to compliance:

- **Housing:** it is not possible at this stage to determine whether the proposal provides the maximum reasonable amount of affordable housing, in accordance with London Plan Policy 3.12.
- **Design:** in accordance with London Plan Policy 7.7, further discussions are required regarding the proximity of this development to surrounding development, and wind impact.
- **Flood risk:** the application does not accord with London Plan Policy 5.13. The applicant should increase sustainable drainage techniques.
- **Climate change mitigation:** The energy strategy does not accord with London Plan policies 5.2, 5.6 and 5.9. Further information regarding prioritising future connection to the Barkantine heat network, the site-wide heat network, and the use of renewable technologies is required to increase carbon dioxide emission savings. The final agreed energy strategy should be appropriately secured by the Council.
- **Transport:** in accordance with London Plan policies 6.1, 6.2, 6.4, 6.7, 6.9 and 6.10, financial contributions are required towards dock crossing improvements, increase in

local bus provision, cycle hire capacity and land for a cycle hire docking station. Further discussions are also required regarding cycle and car parking provision. A Travel Plan, Construction Logistics Plan, and Delivery and Servicing plan, should be secured.

Transport for London (TfL)

- 8.3 Concerned with the cumulative impact of development within the South Quay area on the local transport and highway network. Additional dock crossing points have been identified by the GLA, TfL and the Council as critical in alleviating pressures on the DLR, the bus network and South Quay footbridge. A contribution is sought towards their delivery and an increase in local bus and cycle hire capacity. In addition, an increase in cycle parking and further details on the car parking operation are required. Overall, the scheme is acceptable however revisions are requested to ensure compliance with the London Plan.

London Underground (Infrastructure protection)

- 8.4 No comments.

Canal and Rivers Trust

- 8.5 No objections in principle. While the site is not adjacent to the waterside, occupiers would make use of the waterside facilities, amenity spaces and pedestrian links. This would increase maintenance requirements by the Canal & River Trust. Requests a contribution towards improvements to the waterspace and waterside areas.

Port of London Authority

- 8.6 The Residential Travel Plan only targets cars, walking and cycling. No consideration has been given to the role of the river bus in sustainable travel. In accordance with the River Action Plan, targets should be set to encourage river bus use.

Historic England

- 8.7 No comments. The application should be determined in accordance with national and local policy guidance, and the Council's specialist conservation advice.

Greater London Archaeological Advisory Service

- 8.8 Recommends a condition to require a two stage process of archaeological investigation comprising an evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

Environment Agency

- 8.9 No objections. Recommends raising finished floor levels above the breach flood level - 5.45 m. AOD and the applicant produces a Flood Warning and Evacuation Plan.

London Fire and Emergency Planning Authority

- 8.10 Pump appliance access and water supplies appear adequate.

Sport England

- 8.11 Encourages the Council to consider the sporting needs arising from the development and direct CIL monies to deliver new and improved sport facilities.

Crossrail

- 8.12 The application site is outside the limits of land subject to consultation under the Safeguarding Direction.

Metropolitan Police Crime Prevention Design Advisor

8.13 No objections in principle. Minor revisions to access arrangements requested to comply with Secured by Design.

Thames Water Plc

8.14 Sewerage infrastructure capacity: No objection.

8.15 Surface water drainage: The developer should make proper provision for drainage to ground, water courses or a suitable sewer. Storm flows should be attenuated or regulated into the receiving public network through on or off site storage. Discharge to a public sewer will require prior approval from Thames Water.

8.16 Water supply: The existing infrastructure has insufficient capacity to meet the demands of the development. Recommends that any planning permission be conditioned to require, before development commences, the approval of an impact study of the existing water supply infrastructure to determine the magnitude of any new additional capacity required and a suitable connection point.

8.17 Thames Water also requests:

- A condition to prevent impact piling until a piling method statement has been approved.
- Informatives advising:
 1. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer
 2. A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'.

London City Airport

8.18 No safeguarding objection. Requests an informative that any construction works such as cranes or scaffolding above the height of the planned development (136.225 m. AOD) should be subject to further consultation.

National Air Traffic Services Ltd

8.19 No safeguarding objection.

8.20 No representations have been received from the following organisations following consultation:

- London Borough of Greenwich
- NHS Tower Hamlets Clinical Commissioning Group
- National Grid (Plant Protection)
- EDF Energy Networks
- Docklands Light Railway
- Barkantine Tenants Association
- Millwall Tenants Association
- Association of Island Communities

Internal consultation

Biodiversity officer

8.21 The application site is largely hard surfaces with small areas of ruderal vegetation. Jersey Cudweed, protected under Schedule 8 of the Wildlife & Countryside Act, occurs

in similar habitats around the Millwall Docks. As the submitted ecology survey was undertaken in January, its presence could have been missed. Recommends an additional survey as there appears nowhere within the development that Jersey Cudweed could be retained. If green roofs were proposed it would be reasonable to condition any planning permission as precedent indicates a licence would be issued by Natural England for its relocation to green roofs.

8.22 If Jersey Cudweed is not present there would be no adverse impacts on biodiversity. MDD Policy DM11 requires major developments to deliver biodiversity enhancements that contribute to the Local Biodiversity Action Plan (LBAP). This could include elements of a “*living building*” such as green roofs and the applicant should be asked to consider installing biodiverse roofs.

8.23 The proposed green space between the two buildings would be dominated by play facilities, but includes a few trees (mostly non-native), amenity grassland, a non-native evergreen hedge and some small planting beds with mixed herbaceous and low shrub planting. Biodiversity does not appear to have been considered. The planting beds include a few nectar-rich plants which would provide forage for pollinating insects but the diversity is low (just 4 species). Increased diversity would contribute to a LBAP target.

Arboriculture Officer

8.24 No comments received.

Parks & Open Spaces

8.25 No comments received.

Environmental Health

8.26 Contaminated Land: Recommends conditions to secure site investigation and the mitigation of any contamination.

8.27 Air quality: The Environmental Statement Air Quality Assessment predicts no significant impacts. This is accepted with Air Quality Neutral requirements met. The construction dust assessment is accepted provided that the mitigation measures stated are included in a Construction Environmental Management Plan. Non Road Mobile Machinery used in construction must comply with the GLA’s Non Road Mobile Machinery Low Emission Zone.

8.28 Noise and vibration: Advises clarification of noise levels within the outdoor amenity areas, the amount of noise generated from the proposed energy centre and conditions to ensure appropriate filtration within the residential units, limitation of the hours of operation of the commercial floorspace and loading/unloading.

8.29 Smell / Pollution: No comments received.

Sustainable Development Team

8.30 The proposals seek to implement energy efficiency measures (a site wide heating system and renewable energy technologies) to deliver a 34.2% reduction in CO2 emissions but fall short of the 45% reduction requirements of MDD policy DM29. Further consideration is required regarding potential connection to the Barkantine heat and power network to ensure compliance with London Plan Policy 5.6 and MDD Policy DM29.

8.31 Subject to conditions securing the prioritisation of linking to Barkantine or the CO2 emission reduction shortfall being met through a carbon offsetting contribution, the proposals would accord with policies for decentralised energy and emission reductions.

8.32 Recommends conditions and planning contributions to deliver:

- CO2 savings to at least 34.2% against the baseline and submission of as built calculations to demonstrate delivery;
- Updated district energy connection strategy, to be submitted and agreed in writing prior to commencement on site to deliver a connection to the Barkantine heating network unless demonstrated not feasible / unviable;
- Carbon offsetting contribution secured through a section 106 contribution (£95,400);
- Delivery of sustainability principles as proposed in the submitted Sustainability Statement.

Transport and Highways

8.33 There should be a 'Permit Free' agreement. The provision of two accessible parking spaces on site meets minimum requirements but is unlikely to be sufficient. Should permission be granted, recommends a commuted sum of £20K be set aside for three years following occupation of the development to fund two additional on-street parking bays for disabled motorists if needed although these could not be used exclusively for residents of the development.

8.34 Cycle Parking - 700 spaces are proposed, 471 spaces in the east building on floors 6 and 7 and 229 spaces in the west building basement. Provision would meet London Plan minimum standards. Accessibility is a concern and lift access to the stores in the east building should be investigated. Preference for 'Sheffield' stands. There should be adequate accommodation for recumbent and adapted cycles.

8.35 Servicing - The east building would be serviced from within the site. Arrangements are acceptable. Content with the refuse strategy of moving all refuse to the eastern service road on the day of collection. This would eliminate the need for refuse vehicles to pull up for the western building either on street or within a separate loading area within the site boundary. Accommodation for home delivery vehicles has not been fully considered within the Transport Assessment.

8.36 Permeability - Opening up of the site to provide pedestrian and cycle permeability is welcomed.

8.37 Public Transport Capacity - TfL have concerns for local buses and the cycle hire network requesting financial contributions for improvements. Jubilee Line improvements and Crossrail will increase capacity. TfL should be satisfied this will be sufficient to accommodate expected growth.

8.38 Construction traffic - The submitted Framework Demolition / Construction Management Plan predicts 'a short term increase in the number of vehicles.' However, construction would take place over a number of years and the cumulative impact with neighbouring sites should be considered. All demolition / construction activities should take place within the site boundary not from the public highway.

8.39 South Dock footbridge - An additional crossing across the South Dock is essential to accommodate the large scale development in the area and the development should contribute financially.

8.40 Planning conditions - Should planning permission be granted, recommends the following conditions & section 106 Heads:

- 'Permit Free' agreement restricting all future residents except Blue Badge holders from applying for parking permits in the surrounding CPZ;
- All cycle storage facilities to be provided and retained for the life of the development;
- A Demolition and Construction Logistics Plan to be approved prior to works commencing;
- A Service Management Plan to be approved prior to occupation;
- A Travel Plan approved prior to occupation;
- A section 278 agreement to fund highway works including the reinstatement of vehicular crossovers, necessary works to the adjacent public highway, any changes to traffic management orders, signing and lining and highway works associated with any changes to on-street parking.
- A commuted sum to fund the installation within 3 years of first occupation of the building of two on-street parking bays for disabled motorists.

Enterprise & Employment

8.41 The developer should use best endeavours to ensure that 20% of the construction phase workforce will be Tower Hamlets local residents. Skillsmatch Construction Services will support the developer in achieving this target through providing suitable candidates.

8.42 To ensure local businesses benefit from the development, 20% of goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. Economic Development will support the developer to achieve this target through ensuring they work closely with the Council's Enterprise team to access the approved list of local businesses. 23 apprenticeships should be delivered during the construction phase.

8.43 Recommends planning obligations to secure contributions and measures to support and or provide the training and skills needs of local residents to access job opportunities during construction (£157,645).

Communities, Localities & Culture - Strategy

8.44 No comments received.

Education Development

8.45 No comments received.

Waste Management

8.46 No objection. The Waste Strategy is satisfactory.

Occupational Therapist (Housing Options)

8.47 No comments received.

Sustainable Drainage Officer

8.48 The preliminary drainage strategy is accepted. The applicant proposes to reduce surface water run off to Greenfield rates by providing 110 m³ of below ground storage in accordance with the London and Local Plan policy.

Tower Hamlets Conservation and Design Advisory Panel

- 8.49 Welcomes the development of the vacant site and provision of public open space; however expresses concerns that the scheme is not compliant with the South Quay Masterplan that does not encourage buildings taller than 10-storeys in this location.
- 8.50 Concerned regarding under-provision of disabled car parking places - four places in the context of 45 wheelchair adaptable flats with two spaces located on the public highway beyond the developer's control.
- 8.51 The western building would be serviced from a loading bay in the podium of the eastern building. The management of the services such as refuse collection across the public space does not appear acceptable. Alternative solutions should be developed; recommends use of Tobago Street for servicing the western building. Alternatively, a basement connecting both buildings could enable servicing of both buildings without compromising the quality of outdoor spaces and potentially deliver more disabled parking spaces.
- 8.52 The scheme is vague in terms of materials. The planning application should be supported by details of the indicative materials palette and drawings showing key details – reveals, panelling on the elevation, balconies, transitions between different materials and sections of facades. Concerned regarding the unified pre-cast concrete treatment of elevations from the ground to the crown, the way the building hits the ground - particularly the detailing of piers over cut-back entrances. The expression of the crown of both buildings would benefit from further consideration.
- 8.53 The residential entrance lobbies are very tight and do not sufficiently contribute to the articulation of the building and its integration with the surrounding street scene. The opportunity to improve the impact of the street scene should be explored.
- 8.54 Concerned about the relationship with the emerging scheme at 30 Marsh Wall (subsequently withdrawn) due to proximity, overlooking, lack of outlook and overshadowing. These issues are particularly important in the case of any single aspect north facing units, which should be avoided.
- 8.55 The scheme would deliver little public benefits; there being no separate communal open space and the public open space on the ground would have to play the role of the only recreation area available for new residents. Nevertheless, public access to the central public open space is important and should be secured.
- 8.56 The Panel questioned whether the design was of sufficiently *“high quality”* to justify the high number of studio units. Three lifts serving almost 250 flats in the eastern building appears insufficient. The proposed 20% affordable housing is disappointingly low in the current policy context (Officer Comment: Subsequently increased to 35%)

9 LOCAL REPRESENTATION

Community engagement by the applicant

- 9.1 The Localism Act 2011 requires developers of *“large scale major applications”* to consult local communities before submitting planning applications.
- 9.2 The application is supported by a Statement of Community Involvement that explains that prior to the application's submission, a consultation programme was undertaken with

councillors, local community groups and residents who were given a chance to ask questions and provide feedback.

9.3 Invitations to a public exhibition of the proposals, held at the Alpha Grove Community Centre on Tuesday 30th June 2015 and Thursday 2nd July 2015 were sent to approximately 2,400 homes and businesses in the surrounding area, councillors of Canary Wharf, Blackwall & Cubitt Town and Island Gardens wards, members of the Strategic Development Committee and Tower Hamlets Executive. A newspaper advert was placed in East End Life in the 22nd-28th June 2015 edition. The following community groups were invited.

- Alpha Grove Community Centre
- Association of Island Communities
- Barkantine Tenants' Association
- Calder's Wharf Community Centre
- Cubitt Town Bengali Cultural Association
- Docklands Outreach
- Island Advice Centre
- Island Friends
- Island History Trust
- Island Neighbourhood Project
- Isle of Dogs Neighbourhood Forum
- East End Community Foundation
- St. John's Bengali Welfare Association
- St. Luke's Millwall
- Stratford Friendship Club
- Seven Mills Primary School
- Phoenix Heights Community Centre
- St. John's and Samuda Leaseholders Association
- St. John's Tenants and Residents Association
- Samuda Estate Bengali Association
- The Landmark

9.4 A Community Forum meeting was held on Monday 13th July 2015 chaired by Tower Hamlets officers. 15 people and 2 ward councillors attended. Residents were encouraged to fill in or take home a comment card.

9.5 32 people attended the exhibition. Members of the developer's project team were available to answer questions. A feedback form, a Freephone telephone number, a Freepost and email address were provided for comments. 18 people provided feedback. Opinions expressed were:

Do you support new housing, including affordable housing, on this site?		
Yes	No	Maybe
5	5	6

Do you support new public open space?		
Yes	No	Maybe
14	0	2

Overall, do you support the proposals?		
Yes	No	Maybe
3	6	7

Figure 9. Opinions expressed at public exhibition

Representations following LB Tower Hamlets statutory publicity

9.6 The application has been publicised by site notices and advertisement in East End Life. 2,138 neighbouring properties within the area shown on the map appended to this report have been notified and invited to comment.

Representations received			142
Objecting:	103	Supporting	39
No of petitions received:			0

9.7 Material grounds of support from local residents may be summarised as:

- Delivery of new public open space, high quality landscaping and open space.
- Provision of much needed new housing, including a significant number of family sized and affordable units.
- Improved conditions for the Green Grid route east to west.
- CIL money will enable investment in the local area.

9.8 Letters of support have been received from two housing associations:

Poplar HARCA

- The new affordable homes will benefit from a new public park with well-designed play space;
- The ground level affordable rented townhouses would create a desirable environment for family living within tall buildings, traditionally challenging in a dense urban environment such as South Quay.

Notting Hill Housing Association

- The development will secure high quality living conditions and maximise the efficiency of estate management ensuring the affordability of service charges.

- Supports proposed arrangements for natural play space and flexible green space.
- Arrangements for cycle storage will enhance security.

9.9 Material grounds of objection from local residents may be summarised as:

- Overdevelopment squeezing two mega towers on a tiny site in a village locality;
- Contrary to the plan for the Isle of Dogs requiring lower heights to south and to east and west. The proposed height has no westward step down from the 41-floor Novotel on Marsh Wall and would be higher than the Landmark West Tower 33 floors to the north;
- Development should be a lot smaller, less dense and much less high. 10 to 12 floors would be more in keeping with adjacent buildings in the same block and the shorter blocks on the Landmark site and on Manilla Street;
- Conflict with Tower Hamlets tall building guidelines will have a seriously negative impact on the built environment. There is no defined base or crown, slab design from top to bottom. Poor design aesthetic, stuck on balconies and small windows;
- Contrary to the strategic plan for Millwall, which aims to develop and improve community living by promoting community values through lower density/less stressful living;
- High rise towers encourage transient living by short term tenants, discourages local residents from remaining, do not promote community spirit, create high density living, extra stress and overloads amenities from NHS facilities to roads and sewers;
- Overlooking and loss of privacy and light to the Landmark estate due to proximity;
- Loss of light to Anchorage Point;
- Wind tunnel effect on and around Cuba Street;
- Nuisance in terms of noise, vibration, dust, dirt and debris pollution escaping into the Landmark Estate with loss of amenity, quiet enjoyment and traffic disturbance during construction;
- Excessive small high-rise service flats on the Isle of Dogs is creating social problems, prejudicing community development and not the type of housing needed for sustainable community living;
- Local traffic and parking chaos. The development may be car free, however modern day living relies on deliveries and the narrow streets surrounding the development will be congested with supermarket and courier vans;
- Considered with the 'Novotel' and future developments at 30 Marsh Wall & Alpha Square, the proposed density is unsustainable;
- Local public transport links are massively overloaded, particularly the Jubilee Line and DLR. Further developments will exacerbate problems. Crossrail will be overwhelmed not a '*magic solution*;'
- The site should be a park or garden.

9.10 Non material objections may be summarised as:

- Construction would be a danger to people in the surrounding small roads including from toppling cranes;
- Most of the flats will be sold to overseas and/or corporate investors and contribute nothing to the local community;
- Loss of private view;
- Adverse effect on property prices.

10 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by the application that the committee must consider are:

- Land use
- Optimising housing potential
- Urban design
- Affordable housing
- Residential tenure mix and inclusive design
- Housing quality
- Private amenity space, communal amenity space and play space
- Impact on surroundings
- Micro climate
- Highways and transport
- Energy and sustainability
- Air quality
- Noise and vibration
- Contaminated land
- Archaeology
- Flood risk
- Sustainable urban drainage
- Biodiversity
- Airport safeguarding
- Radio and television reception
- Environmental Statement
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human rights
- Equalities

Land use

NPPF

10.2 A core planning principle is encouraging the effective use of land through the reuse of suitably located previously developed land such as the application site. Paragraph 7 advises that achieving sustainable development includes a “*social role*” supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. Paragraph 9 advises that pursuing sustainable development includes widening the choice of high quality homes.

10.1 The Framework promotes a presumption in favour of sustainable development, through the effective use of land to ensure the delivery of sustainable economic, social and environmental benefits. It promotes high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, particularly for new housing. Local authorities are expected to boost significantly the supply of housing and applications for housing should be considered in the context of the presumption in favour of sustainable development.

10.2 Paragraph 73 recognises that access to high quality open spaces can make an important contribution to the health and well-being of communities.

The London Plan 2016

- 10.3 Policy 3.3 '*Increasing housing supply*' identifies the pressing need for more homes in London to be achieved particularly by realising brownfield housing capacity through opportunity areas and mixed-use redevelopment, especially of surplus commercial land.
- 10.4 The Plan states that an average of 42,000 net additional homes should be delivered across London annually. For Tower Hamlets a minimum ten year target of 39,314 new homes is set between 2015–2025. An annual target of 3,931 homes is also given.
- 10.5 The Plan identifies '*Opportunity Areas*' which are capable of significant regeneration, accommodating new jobs and homes and requires the potential of these areas to be optimised. The site lies within the Isle of Dogs and South Poplar Opportunity Area (Map 2.4 page 79). Map 2.5 page 81 also shows the site also lying within an Area of Regeneration.
- 10.6 Policy 2.13 provides the Mayor's policy on the Opportunity Areas and paragraph 2.58 says they are the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility. Table A1.1 identifies the Isle of Dogs Opportunity Area as capable of accommodating at least 10,000 homes, and 110,000 jobs up to 2031.
- 10.7 The application site is also captured within the GLA's '*Strategic Housing Land Availability Assessment*' (SHLAA) as a contributor to meeting the borough's London Plan housing targets.
- 10.8 Policy 7.5 '*Public Realm*' and Policy 7.18 '*Protecting Open Space and Addressing Deficiency*' support the creation of high quality open space.

The Tower Hamlets Local Plan

- 10.9 The Adopted Policies Map reproduced on pages 139 & 145 of the Managing Development Document 2013 '*Place of Canary Wharf*' and '*Place of Millwall*' shows the site within a Flood Risk Area. It lies outside the Canary Wharf town centre boundary. The Canary Wharf Activity Area is shown to the north bounded by Cuba Street, Westferry Road and Marsh Wall. Cuba Street forms part of the Tower Hamlets '*Green Grid*.'
- 10.10 Core Strategy Policy SP01 '*Refocusing on our town centres*' applies a town centre hierarchy within the borough. Part 5 promotes areas outside and at the edge of town centres as places that support sustainable communities including primarily residential use and supporting uses that are local in nature and scale.
- 10.11 Core Strategy Policy SP02 '*Urban living for everyone*' seeks to deliver 43,275 new homes from 2010 to 2025 in-line with the London Plan housing targets.
- 10.12 The site lies within the '*Place of Millwall*' that Core Strategy Fig. 24 page 44 identifies for Very High Growth (3,500+ residential units) to year 2025.
- 10.13 Core Strategy Annex 9 concerns '*Delivering Placemaking*.' The site lies within Canary Wharf ward where the '*Priorities*' page 122 include: '*To enable mixed-use and residential development around the fringe of Canary Wharf*.'

10.14 Core Strategy Figure 65 page 123 'Millwall Vision Diagram' says:

'The north of Millwall will continue to be transformed to provide opportunities for local employment and new housing that will better connect with waterfronts, green spaces and areas to the south.'

There will be greater integration with Canary Wharf, offering a diverse retail and evening economy focused along Millharbour and dock fronts. Areas in the south will retain their quieter feel, being home to conservation areas and revitalised housing. Local communities will be supported by excellent services, provided in the town centre alongside better connections to a wider range of services and transport interchanges in Canary Wharf and Crossharbour.'

10.15 The Housing Investment and Delivery Programme page.146–147 identifies Millwall for Very High Growth delivering 1,000+ new homes between 2015 & 2020 and for High Growth of 400 -1,000 units between 2020 and 2015.

10.16 Core Strategy Policy SP04 'Creating a green and blue grid' seeks to deliver a network of open spaces including by maximising opportunities for new publicly accessible open space. Policy SP12 'Delivering placemaking' seeks to ensure that the borough's 'places' have a range and mix of high-quality publicly accessible green spaces.

10.17 The Managing Development Document (MDD) Policy DM10 'Delivering open space' requires development to provide or contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy. Part of the Tower Hamlets Green Grid runs along Cuba Street.

10.18 Chapter 3 of the Managing Development Document provides Site Allocations. The Cuba Street site is not identified as a Site Allocation within Figure 12 page 86.

South Quay Masterplan SPD October 2015

10.19 The South Quay Masterplan is supplementary planning guidance that adopts the land use principles of the MDD. It supports housing development, open space, commercial space and other compatible uses on the application site.

Assessment

10.20 The site is cleared, brownfield, previously developed land. The Council's Development Committee decided in 2003 to grant planning permission for the redevelopment of the majority of the current application site by 109 flats and 5 live/work units. Increased housing supply is a fundamental policy objective at national, regional and local levels. The principle of the proposed residential development with a small commercial unit and open space is consistent with national policy, the London Plan, the Local Plan and the South Quay Masterplan and is in principle strongly supported.

Optimising housing potential

NPPF

10.21 The NPPF advises that local authorities should set out their approach to housing density to reflect local circumstances (Para 47). It also outlines that planning policies and decisions should aim to ensure that developments optimise the potential of sites to accommodate development (Para 58).

The London Plan 2016

- 10.22 Policy 3.4 '*Optimising housing potential*' requires development to '*optimise*' housing output taking account of public transport accessibility, local context and character and the design principles in Chapter 7. It is not appropriate to apply the matrix mechanistically to arrive at the optimum potential but development proposals which compromise this policy should be resisted.
- 10.23 Table 3.2 provides a '*Sustainable residential quality density matrix*' for differing locations based on TfL public transport accessibility levels (PTAL). For '*Central*' areas with PTAL4 (such as the application site), an indicative density range of 650-1,100 habitable rooms per hectare is provided. '*Central*' is defined as being within 800 metres walking distance of an International, Metropolitan or Major town centre. The application site is by definition a '*Central*' location.

The Mayor's Housing SPG 2016

- 10.24 Guidance on the implementation of London Plan Policy 3.4 is provided by the Mayor's '*Housing*' SPG 2016. '*Optimisation*' is defined as '*developing land to the fullest amount consistent with all relevant planning objectives.*' (Para. 1.3.1).
- 10.25 The SPG states further that: '*It is essential, when coming to a view on the appropriate density for a development, that proper weight is given to the range of relevant qualitative concerns*' (Paragraph 1.3.9) and that '*Conversely, greater weight should not be given to local context over location or public transport accessibility unless this can be clearly and robustly justified. It usually results in densities which do not reflect scope for more sustainable forms of development which take best advantage of good public transport accessibility in a particular location.*' (Paragraph 1.3.10).
- 10.26 The density ranges should be considered a starting point not an absolute rule when determining the optimum housing potential. London's housing requirements necessitate residential densities to be optimised in appropriate locations with good public transport access. Consequently, the London Plan recognises the particular scope for higher density residential and mixed use development in town centres, opportunity areas and intensification areas, surplus industrial land and other large sites. The SPG provides general and geographically specific guidance on the exceptional circumstances where the density ranges may be exceeded. SPG Design Standard 6 requires development proposals to demonstrate how the density of residential accommodation satisfies London Plan policy relating to public transport access levels and the accessibility of local amenities and services, and is appropriate to the location.
- 10.27 Schemes which exceed the ranges in the matrix must be of a high design quality and tested against the following considerations:
- *local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;*
 - *the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;*
 - *the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with housing quality standards;*
 - *a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';*
 - *depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;*

- *the residential mix and dwelling types proposed, taking into account factors such as children's play space provision, school capacity and location;*
- *the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and*
- *whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development including opportunity areas.*

Tower Hamlets Core Strategy 2010

10.28 Core Strategy Figure 28 page 46 '*Spatial distribution of housing from town centre to out of centre*' shows densities decreasing away from the town centre and dwelling sizes increasing.

10.29 Policy SP02 '*Urban living for everyone*' reflects London Plan policy requiring development to '*optimise*' the use of land with housing density taking account of public transport accessibility and context in relation to the town centre hierarchy.

South Quay Masterplan SPD 2015 (SQMP)

10.30 Within the South Quay area, the amount, scale, height and densities of residential development being proposed is greater than envisaged in the Local Plan with nearly thirty sites subject to significant development interest. Proposals are seeking residential tall building typologies that commonly exceed the density guidance set out in the London Plan and are some of the densest in the UK. This presents challenges and opportunities for coordinating development proposals and managing their impacts. The council adopted the SQMP on 6th October 2015 to provide guidance to steer future development in a co-ordinated and planned way. It is not statutory but supplements the development plan and is a material consideration in determining this planning application at Cuba Street.

10.31 The SQMP explains that when looking at the proposed densities across South Quay, applications for planning permission should consider cumulative impacts in terms of infrastructure delivery, environmental impacts, health and well-being and place-making, in line with policy requirements at national, regional and local levels.

Assessment

10.32 Adverse symptoms of overdevelopment can include:

- inadequate access to sunlight and daylight for proposed or neighbouring homes;
- sub-standard dwellings (size and layouts);
- insufficient open space (private, communal and/or publicly accessible);
- unacceptable housing mix;
- unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
- unacceptable increase in traffic generation;
- detrimental impacts on local social and physical infrastructure; and,
- detrimental impacts on visual amenity, views or character of the surrounding area.

10.33 The proposed residential density of the development is some 3,283 hrph based on the net site area. This approaches three times the upper figure of the indicative of 650-1,100 hrph density range provided London Plan Table 3.2 for central locations. In justification, the applicant claims:

- *The development will make a significant contribution to local place-shaping as a result of its form, scale and subsequent density that enables 1,550 sq. m. of public space to be provided that would be accessible to all, including the future occupiers and the existing community on the Isle of Dogs.*
- *A development of this density will make an important contribution to addressing the pressing and desperate need for new housing in the borough and London as a whole in a location that is identified by policy for very high housing growth. The development provides a range of unit types and tenures that are appropriate to this location and provide a high level of residential amenity.*
- *The layout and form of the development means that the proposed dwellings will be of a very high level of amenity. The majority of the residential units meet applicable standards and overall demonstrate an exceptional quality.*
- *The development will also provide a significant amount of high quality amenity space, including 1,550 sq. m. of public open space, formal and informal child play space, high quality and usable private amenity space within each unit and also communal amenity facilities, including some residential gardens.*
- *The development has been designed by Architects 3D Reid and is considered to be of an exemplary design. The buildings form with high quality materials reflect the development's main residential use and are distinctive to the much bulkier commercial buildings of Canary Wharf and the proposed glazed residential buildings along Marsh Wall.*
- *The principle of high density development within the Isle of Dogs Opportunity Area and the Tower Hamlets Activity Area is supported by policy, including Policy 2.13 of the London Plan. In reflection of this policy context, there are a number of high density developments proposed in the local area, including South Quay Plaza and Asda Crossharbour. As such, the proposed development is considered to reflect the emerging character of the local area.*
- *Furthermore, it is proposed that the development will mitigate its impacts through on-site mitigation and, where this is not feasible, through appropriate Section 106 obligations and/or CIL to be agreed with LBTH.*
- *It is considered that the proposed development optimises the use of the site to help deliver the borough's housing targets. Having regard to this, as well as the other benefits of the scheme and relevant townscape, environmental and infrastructure considerations, it is considered that the exceptional circumstances test for the proposed density has been met.*

10.34 Officers assessment of the development against the exception tests of London Plan Policy 3.4 within the Mayor's 'Housing' SPG is as follows:

London Plan Policy 3.4 'Optimising housing potential'
The Mayor's 'Housing' SPG 2016 - Design Standard 6

Tests for exceeding the Sustainable residential quality density matrix	Assessment
Local context and character & design principles.	There is a distinct change of character to the south and southwest of the nearby length of Marsh Wall. Tall buildings are prevalent to the north and east while to the south and southwest the context is low to mid-rise. It is considered the proposal fails to take into account this change in character.
Public transport connectivity	The site has a PTAL4 'Good'. There is no suggestion that development on the Isle of Dogs should be restrained due to inadequate public transport connectivity and capacity increases are in hand. TfL raise no objection.
Design quality	<p>The Government's nationally described space standards would mostly be met although six flats would have private amenity space below requirements.</p> <p>With other proposed new development in place, approximately a third of the rooms within the development would not meet minimum recommendations in the British Standard Code of Practice for interior daylighting (ADF).</p> <p>There would be very poor resultant sunlight & daylight conditions to adjoining residential accommodation in Manilla Street, Tobago Street and Cuba Street, far beneath BRE guidelines even for inner city sites.</p> <p>The layout would result in lack of privacy to and from existing residential accommodation in Manilla Street and Tobago Street.</p> <p>Child play space and communal amenity space would meet requirements.</p>
Contribution to Place making	The scheme would create a ' <i>place</i> ' on currently vacant land.
Potential for large sites to define their own setting and accommodate higher densities	The site is not sufficiently large to define its own setting.
Residential mix and dwelling types	The unit mix in the market sector would not be compliant with the Local Plan. There would be a

	<p>significant over provision of 2-bed units (21% above the 30% target) and a significant under provision of 3-bed+ family accommodation (15% below the 20% target) with an absence of units larger than 3-bed.</p> <p>In the intermediate sector, there would be an overemphasis on 1 and 2 bed units and an entire absence of family units; although this may be considered satisfactory given concerns about the affordability of large intermediate units in the borough.</p>
Management and design of refuse/food waste/recycling and cycle parking facilities	Considered satisfactory albeit with an inconvenient layout.
Location	London Plan Opportunity Areas are in principle earmarked for higher density development but the designation covers the entire Isle of Dogs, South Poplar and Limehouse. There is no suggestion that schemes significantly exceeding the Sustainable residential quality density matrix should be sited indiscriminately in Opportunity Areas and result in demonstrable harm.

Summary

- 10.35 The proposal conflicts with many of the exception tests within the Mayor's '*Housing*' SPG to assess schemes that exceed the density ranges in the London Plan's Sustainable residential quality density matrix. The application raises concerns regarding context, dwelling mix, impact on the surroundings in terms of sunlight / daylight and privacy and natural light within the development. Cumulatively, these indicate that the proposal would not optimise the development potential of the site rather it would result in unsustainable overdevelopment inconsistent with strategic policy causing demonstrable harm that would not be outweighed the benefits of the scheme.

Urban design

NPPF

- 10.36 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites whilst responding to local character. Paragraphs 8 and 9 state that to deliver positive improvements in the quality of the built, natural and historic environment, economic, social and environmental gains should be sought jointly and simultaneously.
- 10.37 Chapter 7 '*Requiring good design*' explains that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, and should contribute positively to making places better for people. Paragraph 58 requires planning decisions to ensure that developments:
- Function well and add to the overall quality of the area,
 - Establish a strong sense of place,
 - Optimise the potential of the site to accommodate development,

- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Are visually attractive as a result of good architecture and appropriate landscaping.

10.38 Matters of overall scale, massing, height and materials are legitimate concerns for local planning authorities (paragraph 59). Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness. Local planning authorities should have local design review arrangements in place, and applicants should evolve designs that take account of the views of the community.

The London Plan 2016

10.39 Policy 7.3 '*Designing out crime*' seeks to create safe, secure and accessible environments.

10.40 Policy 7.4 '*Local Character*' requires development to have regard to the pattern and grain of existing streets and spaces, make a positive contribution to the character of a place and be informed by the surrounding historic environment. Policy 7.5 '*Public realm*' emphasise the provision of high quality public realm. Policy 7.6 '*Architecture*' seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and for development to optimise the potential of the site. Policy 7.7 '*Tall and large scale buildings*' provides criteria for assessing such buildings which 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.*

10.41 The Plan adds that tall buildings should not adversely impact on local or strategic views and the impact of tall buildings in sensitive locations should be given particular consideration. Such areas include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, or other areas designated by boroughs as being sensitive or inappropriate for tall buildings.

10.42 Policy 7.8 *'Heritage assets and archaeology'* requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Policy 7.10 *'World Heritage Sites'* requires development not to cause adverse impacts on World Heritage Sites or their settings.

The Mayor's 'Housing' SPG 2016

10.43 Paragraph 1.3.42 provides guidance on sites on borders and edges of 'settings.' It advises that the setting of areas where the character of the urban fabric changes can usefully be defined in Local Plans (e.g. around the edges of some town centres where low density suburban areas abut the higher densities of the centre). This may usefully provide some certainty for development, particularly where the urban form varies in terms of height, scale, massing and density. However, this should not rule out the potential for large sites to define their own 'setting' in terms of Table 3.2 (*Sustainable residential quality density matrix*). There should be recognition that the character of an area can change over time and may be positively enhanced by new development.

Tower Hamlets Core Strategy 2010

10.44 Policy SP10 *'Creating distinct and durable places'* 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 surroundings.

Tower Hamlets Managing Development Document 2013

10.45 Policy DM24 *'Place-sensitive design'* requires developments to be built to the highest quality standards. This includes being sensitive to and enhancing the local character and setting and use of high quality materials.

10.46 Policy DM26 *'Building heights'* and Figure 9 page 70 (reproduced below) require building heights to accord with the town centre hierarchy. The application site is located in the final step down in the hierarchy (*'Areas outside of town centres'*) and is not identified as appropriate for the location of tall buildings.



Figure 9: Illustration showing building heights for the Preferred Office Locations and the town centre hierarchy

Figure 10. MDD Building heights and the Town Centre Hierarchy

10.47 Policy DM26 also requires tall buildings to achieve a high architectural quality contributing positively to the skyline, not adversely affect heritage assets or strategic

views and present a human scale at street level. Residential buildings should include innovative, high quality usable amenity space and not adversely impact on the microclimate or biodiversity including water-bodies, TV and radio reception, civil aviation, provide positive social and economic benefits and consider public safety including evacuation routes.

10.48 Policy DM27 '*Heritage and the Historic Environment*' requires development to protect and enhance the borough's heritage assets, their setting and their significance.

South Quay Masterplan SPD 2015 (SQMP)

10.49 The Masterplan's Placemaking Principles for South Quay include:

1. *Housing design (SQ1 & SQ3). Development should deliver exemplary sustainable housing design,*
2. *Connections & public realm (SQ2). Development should frame and deliver high quality, legible and inviting movement routes, connections and public realm.*
3. *Public open spaces (SQ2). Development should contribute to the delivery of usable high quality public green open spaces with biodiversity value in coordination with neighbouring sites.*
4. *Urban structure & frontages (SQ2 & SQ3). Development should deliver a well-defined urban block pattern fronted by active frontages throughout, with a focus on non-residential uses facing onto Marsh Wall, open spaces and docksides with clear distinctions between public, communal and private spaces.*
5. *Massing (SQ3). Development should deliver massing in a varied but coherent urban environment that delivers defined and engaging streets and spaces while maximising levels of natural light and providing a transition in scale from surrounding areas.*
6. *Skyline (SQ4). Development should contribute to a visually engaging and balanced skyline while acknowledging the Maritime Greenwich World Heritage Site.*

10.50 The Design Approach adopted is intended to help shape development to:

- *Complement and provide a transition from the Canary Wharf Major Centre to the adjacent residential areas;*
- *Manage the delivery of high-density mixed-use areas with significant levels of housing;*
- *Improve connections to the wider area;*
- *Ensure buildings step down from dockside; and open spaces;*
- *Deliver a legible, permeable and well-defined movement network;*
- *Activate frontages along streets and docks; and protect and enhance heritage assets.*

10.51 Density options were tested between 1,100 & 7,000 hrph and established that the threshold for the greatest number of significant adverse effects was 3,000+ hrph. In developing development scenarios, densities of 1,100 and 3,000 hrph were tested as reasonable options.

10.52 '*Towers in Space*' and '*Podiums / Plinths / Towers*' were considered the two main options for delivering high density development. '*Towers in Space*' deliver all uses within a single tower, perhaps with open / private amenity space alongside. This type of development has been advanced within the Masterplan area and elsewhere. '*Podiums /*

Plinths / Towers enables high density residential development in tall towers alongside podiums [1-2 stories] and plinths [3-10 stories] with non-residential uses provided at lower levels within the podium / plinth elements and for private / amenity space contained around the built form. The *'Podiums / Plinths / Towers'* form is considered to offer greater opportunities to deliver a more *'liveable'* place both within individual development plots and across the Masterplan area and informed the adopted Vision and Place Making Principles.

Figure V1 Vision Map



Figure 11. South Quay Masterplan – Vision and principles

10.53 Design Principle SQ1 – *'Housing density'* advises that development, such as the proposal for Cuba Street, seeking to exceed London Plan housing densities should:

- a. robustly demonstrate:
 - i. how it successfully mitigates its impacts; and
 - ii. how it delivers the vision, principles and guidance of the Masterplan.
- b. deliver exemplary design for housing and non-residential uses; and
- c. provide the required infrastructure in accordance with the Local Plan and the London Plan.

10.54 Design Principle SQ2.1 – *'Connections and public realm'* requires development to deliver legible and well-defined networks of routes and spaces by:

- a. delivering a clear urban block pattern to support walking and cycling desire lines and define public, communal and private spaces;
- b. ensuring these are well defined, legible, safe and inviting;
- c. delivering non-residential uses generating active frontages along Marsh Wall, Millharbour, Limeharbour, docksides and public open spaces;
- d. delivering a movement hierarchy of primary streets, secondary streets, tertiary streets / walking & cycling paths and dockside walking and & cycling paths reflecting the recommended street section with a maximum plinth height of 35 m. AOD on the north side of Marsh Wall.

- e. Stepping back from the dock edges to improve the quality, character and continuity of dockside routes;
 - f. Addressing barriers to movement to and from areas to the south;
 - g. Supporting access to and from Canary Wharf by measures that include an additional footbridge across South Dock.
- 10.55 Sections are provided for development across the street hierarchy. Figure 2.4 pages 25 & 26 suggest a 16 m. AOD maximum plinth height across secondary streets and 20 m. across tertiary streets. These heights appear to have been transposed in error. Cuba Street and Manilla Streets are 'secondary' and Tobago Street is a 'tertiary' street.
- 10.56 Design Principle SQ2.2 'New public open space' says that development should deliver and manage on-site high quality usable public open space that is coordinated with neighbouring sites. Within South Quay it is a priority to provide public open space on site, of a size and quality that provides for the residents and visitors and helps facilitate social interaction.
- 10.57 Figure 2.7 page 28 shows the Cuba Street site as an illustrative location for a new principal public open space.
- 10.58 Figure 3.1 'Illustrative massing' provides indicative layouts and is supported by Design Principle SQ3.3 that suggests the Cuba Street site is suitable for a podium (1-2 storeys) and a plinth (3-10 storeys). The height guidance for the podium and plinth are expected to vary in accordance with the location of development on the movement hierarchy. Podium and plinth heights should correspond to recognised degrees of enclosure that ensure a sense of human scale along streets and in public open spaces. The site is thus identified for a building no taller than 12 storeys. This is to ensure that the massing of new developments should complement and provide a transition from the Canary Wharf Major Centre to the adjacent residential areas, particularly along the southern boundary.
- 10.59 Development should deliver communal amenity space as a mix of typologies that are distinct from public open space, private amenity space and child play space.

Assessment

- 10.60 Officers are unconvinced that the proposed development addresses the NPPF's fundamental principle to take the opportunities available for improving the character and quality of an area and the way it functions, particularly Chapter 7 'Requiring good design.' It is also considered that the scheme fails to meet the criteria of London Plan Policy 7.4 regarding the requirement to provide a high quality design response to local character, Policy 7.6 'Architecture' and Policy 7.7 concerning the location of tall buildings, and the similar criteria at MDD Policy DM26 'Building heights.' Collectively, policy requires development to provide buildings and places of a high quality design, suitably located and sensitive to the locality.
- 10.61 The scheme adopts its character from development on Marsh Wall to the north. This disregards development in other directions. Existing buildings in the locality that make a positive contribution and define the character of the area are those on Tobago Street and further west, 2-6 Manilla Street (part of the new Millwall Fire Station development) and 1 Cuba Street. The scheme fails to acknowledge these buildings. It is considered the proposals poorly responds to the existing block structure by:
- Variations to the established building lines,
 - Significantly lower ground floor elevations,

- Lack of articulation of the base and crown with excessive height and massing.
- The substantial mass on Tobago Street would be an anomaly in the surrounding urban fabric.

- 10.62 There is a distinct change of character to the south and southwest of the adjoining length of Marsh Wall. Tall buildings are prevalent to the north and east while to the south and southwest the context is low to mid-rise. The Barkantine Estate is an exception that does not define Millwall's context and character.
- 10.63 Whilst the site is located in a London Plan Opportunity Area and an area of intensification where tall buildings are generally directed, the Opportunity Area designation applies to the whole of the Isle of Dogs, South Poplar and Limehouse and tall buildings should not be sited indiscriminately within the Opportunity Area. The design principles of the South Quay Masterplan identify the site for a building up to 12-storeys.
- 10.64 The scheme would be visible from the Maritime Greenwich World Heritage Site observed in the foreground of the Canary Wharf skyline. Whilst no objections have been raised by Historic England, the GLA or the London Borough of Greenwich; Cuba Street is not a point of civic or visual significance requiring emphasis by tall buildings. It is not considered that the development would enhance the skyline and image of London.
- 10.65 The site represents an opportunity to deliver sustainable development in this transition area between the high rise developments of Canary Wharf and Marsh Wall and the much smaller scale residential areas to the south and west. The site is cleared, brownfield, previously developed land. Increased housing supply is a fundamental policy objective at national, regional and local levels. The principle of a residential led development is strongly supported. However, the public benefits of the development, namely new housing and open space, are not considered to outweigh the harm that would ensue and could be achieved by alternative development. It is considered the scheme requires fundamental re-thinking to adequately address NPPF and development plan design policies. Collectively these policy conflicts demonstrate an unsatisfactory design that would amount to overdevelopment not optimisation of the site.
- 10.66 There would be no conflict with Civil Aviation safeguarding.

Affordable housing

NPPF

- 10.67 Section 6 concerns *'Delivering a wide choice of high quality homes.'* Paragraph 47 requires local plans to meet the full objectively assessed need for market and affordable housing and to identify and update annually a supply of specific deliverable sites sufficient to provide five years housing supply with an additional buffer of 5%.

The London Plan 2016

- 10.68 Policy 3.8 *'Housing choice'* requires London borough's local plans to address the provision of affordable housing as a strategic priority, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types. Policy 3.9 *'Mixed and balanced communities'* requires communities mixed and balanced by tenure and household income to be promoted including in larger scale developments.
- 10.69 Policy 3.11 *'Affordable housing targets'* requires boroughs to maximise affordable housing provision and set an overall target for the amount of affordable housing needed

in their areas. Matters to be considered include the priority for family accommodation, the need to promote mixed and balanced communities and the viability of developments.

- 10.70 Policy 3.12 *'Negotiating affordable housing'* requires the maximum reasonable amount of affordable housing be sought. This should have regard to affordable housing targets, the need to encourage rather than restrain residential development, the size and type of affordable units needed to meet local needs, and site specific circumstances including development viability, any public subsidy and phased development including provisions for re-appraising viability prior to implementation. Affordable housing should normally be provided on site.

Tower Hamlets Core Strategy 2010

- 10.71 Policy SP02 (1) supports the delivery of new homes in line with the Mayor's London Plan housing targets. Policy SP02 (3) sets an overall strategic target for affordable homes of 50% until 2025. This is to be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability).

Tower Hamlets Managing Development Document 2013

- 10.72 Policy DM3 *'Delivering homes'* requires development to maximise affordable housing on-site.

Assessment

- 10.73 The applicant initially offered 16.6% affordable housing measured by habitable rooms. This was justified by an Affordable Housing Statement that used the purchase price of the land as a benchmark. BNP Paribas (viability consultants to the council) disputed this approach and advised the applicant to consider an alternative use, acceptable in planning terms, to provide an alternative benchmark to calculate the amount of affordable housing that the scheme can afford. The applicant responded by calculating alternative use values (AUV) for two alternative hotel schemes, neither of which officers considered policy compliant in land use terms.
- 10.74 The applicant then provided a fresh viability appraisal that uses an AUV benchmark based on a claimed policy compliant residential scheme. This increased the affordable housing offer to 21%, a shortfall of 14% against the Local Plan target minimum target.
- 10.75 The Revised Affordable Housing Financial Viability Appraisal was reviewed by BNP Paribas who advised:

"We understand the Applicant considers that the development cannot sustain their revised offer of 21% affordable housing by habitable room. In light of our amendments set out in section 5.2, our appraisal of the proposed Development results in an RLV of £19.8 million.

The Applicant has considered a 35% policy compliant AUV scheme for the benchmark land value which we consider is a reasonable approach, however as outlined in section 5, we do not consider all the inputs to be. Our assessment of the AUV resulted in a residual land value of circa £5.5 million. When this is compared against our assessment of the proposed development of circa £20.6 million, this results in a surplus of circa £14 million. We therefore consider that 21% by habitable room (15% by unit) is not the optimum amount of affordable housing that the scheme can viably provide.

As a result of the amendments of our appraisal for both the proposed development and the AUV scheme, we have undertaken an additional appraisal to reflect the maximum optimum amount of affordable housing that the scheme can viably provide. The results of our appraisal indicate that the scheme can provide 29.5% affordable housing by habitable room.

10.76 The applicant questioned some of PNP Paribas' inputs. As a result, PNP Paribas advise that the scheme could provide 28% affordable housing by habitable room. Officers concluded that the affordable housing offer of 21% was not financially justified.

10.77 Following BNP Paribas Review, the applicant has amended the scheme by a review of the proposed housing mix and raised the affordable housing offer to 35% saying:

"We have carefully considered the specific circumstances of this site and are willing to increase the provision of affordable housing to 35% by habitable room, subject to no review mechanism being imposed upon the developer (except in case the planning permission is not implemented within 2 years of being granted)."

"We are facilitated in making this offer by virtue of having resolved the debt liability on the land and accordingly the developer's surplus generated through development is not required to address the benchmark land value. Essentially, we are prepared to contribute a sum equivalent to the benchmark land value from the development returns we are entitled to secure, to facilitate the enhanced affordable housing offer and secure planning consent for the proposed development."

"Ballymore are willing to accept a special reduction in Developer's profit in facilitation of the improvement to the viable Affordable Housing Offer."

"The revised affordable housing offer can be made on the basis that flexibility is given to the residential mix of the private units."

10.78 The revised offer of 35% would result in the developer achieving an Internal Rate of Return (profit) of 6.05% considerably below the normally accepted rate of 18-20%. Taking account of BNP Paribas' advice, officers consider the revised affordable housing offer of 35% is policy compliant and acceptable. The offer also accords with the Mayor of London's Draft Affordable Housing and Viability SPG 2016 (adoption anticipated September 2017) that requires affordable housing reviews as follows:

- An early review where an agreed level of progress on implementing the permission is not made within two years of the permission being granted.
- In cases where the affordable housing offer is less than 35%, a near end of development review to be applied once 75% of the units are sold.

10.79 The proviso concerning the residential mix within the private market housing is discussed in the following section '*Residential tenure mix.*'

Residential tenure mix

NPPF

10.80 Paragraph 50 requires local planning authorities to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. Paragraph 57 says that it is important to plan positively for the achievement of high

quality and inclusive design for all development. Paragraph 159 requires authorities to prepare a Strategic Housing Market Assessment identifying the scale and mix of housing and the range of tenures likely to be needed over the plan period.

The London Plan 2016

- 10.81 Policy 3.8 *'Housing Choice'* requires London boroughs to identify the range of needs likely to arise within their areas and ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types. The Plan, together with the Mayor's *'Accessible London'* SPG, requires 90% of new housing to meet Building Regulation requirement M4 (2) *'accessible and adaptable dwellings,'* and 10% should meet requirement M4 (3) *'wheelchair user dwellings'* i.e. designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 10.82 Policy 3.9 *'Mixed and balanced communities'* says that communities mixed and balanced by tenure should be promoted across London including by larger scale development.
- 10.83 Policy 3.11 *'Affordable housing targets'* requires 60% of the affordable housing provision to be affordable rent and 40% for intermediate rent or sale.

The Mayor's 'Housing' SPG 2016

- 10.84 Design Standard 7 says that development proposals should demonstrate how the mix of dwelling types and sizes, and the mix of tenures, meet strategic and local need, and are appropriate to the location.

Tower Hamlets Core Strategy 2010

- 10.85 Policy SP02 *'Urban living for everyone'* requires:
 - The tenure split for new affordable homes to be 70% social rented and 30% intermediate housing.
 - A mix of small and large housing by requiring a mix of housing sizes on all new housing sites with a target that 30% should be family housing of three-bed plus and that 45% of new social rented homes be for families.
 - Large family houses (4 bed+) will be sought including areas outside town centres where there is an existing residential community with good access to open space, services and infrastructure.

Tower Hamlets Managing Development Document 2013

- 10.86 Policy DM3 *'Delivering Homes'* requires development to provide a balance of housing types, including family homes as follows:

Tenure	1 bed %	2 bed %	3 bed %	4 bed %
Market	50	30	20	
Intermediate	25	50	25	0
Social rent	30	25	30	15

- 10.87 Policy DM4 *'Housing standards and amenity space'* require 10% of new housing to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

Assessment

- 10.88 The proposed residential mix compared with the Core Strategy targets is set out in the table below.

Unit size	Total units in scheme	Affordable housing						Market housing		
		Affordable rented 70%			Intermediate 30%			Private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	57	0	0%	0%	0	0%	0%	57	18%	0%
1 bed	113	16	22%	30%	13	32%	25.0%	84	26%	50%
2 bed	211	19	26%	25%	28	68%	50.0%	164	51%	30%
3 bed	32	18	24%	30%	0	0%	25%	14	5%	20%
4 bed	21	21	28%	15%	0	0%		0	0%	
5 bed	0	0	0%	0%	0	0%		0	0%	
6 bed	0	0	0%		0	0%		0	0%	
TOTAL	434	74	100%	100%	41	100%	100%	319	100%	100%

Figure 12. Proposed residential mix and Core Strategy targets

- 10.89 70% of the affordable housing would be rented and 30% intermediate which meets the Core Strategy policy target. The rented units are proposed at Affordable Rent at the Borough Framework levels for the E14 postcode.
- 10.90 The dwelling mix within the affordable rented sector is considered satisfactory with 52% family units broadly in line with the 45% Core Strategy target, with the additional larger units welcomed:-
- 22% 1 bed units - policy target 30%,
 - 26% 2 bed units - policy target 25%,
 - 52% family sized (3 bed +) - policy target 45%.
- 10.91 In the intermediate sector, there would be an overemphasis on 1 and 2 bed units and an entire absence of family units. Members have previously considered this satisfactory given concerns about the affordability of large intermediate units in the borough:-
- 32% 1 bed units - policy target 25%
 - 68% 2 bed units - policy target 50%
 - 0% 3 bed units – policy target 25%
- 10.92 The unit mix in the market sector is considered **unacceptable** with a significant over provision of 2-bed units (21% above target) and an under provision of 3-bed+ family units (15% below target):-
- 44% studios & 1 bedroom units – policy target 50% for 1 bed units. There is no target for studios
 - 51% 2 bed units – policy target 30%
 - 5% 3 bed+ - policy target 20%.
- 10.93 45 units in total, 15 in the west building and 30 in the east building, are designed to be easily adaptable for wheelchairs. This amounts to 10% by habitable room and policy compliant with a mix of unit sizes.

Housing quality

Technical housing standards – nationally described space standard

- 10.94 The Government's nationally described space standard deals with internal space within new dwellings across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height of 2.3 m.

The London Plan 2016

- 10.95 Policy 3.5 'Quality and design of housing developments' requires new housing to be of the highest quality internally and externally. The relative size of all new homes in London is said to be a key element of this strategic issue. Table 3.3 adopts the national standard:

Number of bedrooms	Number of bed spaces	Minimum GIA (m2)			Built-in storage (m2)
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
1b	1p	39 (37)*			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	

Figure 13. London Plan / National described minimum space standards

- 10.96 A single bedroom should be at least 7.5 m2 and 2.15 m. wide, a double bedroom should be at least 11.5 m2 and 2.75 m. wide.
- 10.97 Local Plans are required to incorporate minimum spaces standards that generally conform to Table 3.3 – 'Minimum space standards for new development.' Designs should provide adequately sized rooms and convenient and efficient room layouts.
- 10.98 The national space standard sets a minimum ceiling height of 2.3 m. for at least 75% of the gross internal area of a dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, the London Plan strongly encourages a minimum ceiling height of 2.5 m for at least 75% of the gross internal area.

The Mayor's 'Housing' SPG 2016

- 10.99 Design Standard 12 requires that each core should be accessible to generally no more than eight units per floor.
- 10.100 Design Standard 24 reflects the national space standard. Additionally, Design Standard 26 requires a minimum of 5 m2 of private outdoor space for 1-2 person dwellings and an extra 1 m2 for each additional occupant. Design Standard 27 requires balconies and other private external spaces to have minimum depth and width of 1.5 m...
- 10.101 Design Standard 29 says developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or which contain three or more bedrooms should be avoided.

- 10.102 Design Standard 31 encourages a 2.5 m. floor to ceiling height.
- 10.103 Design Standard 32 says all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight.
- 10.104 Failure to meet one standard need not necessarily lead to conflict with the London Plan, but a combination of failures would cause concern. In most cases, departures from the standards require clear and robust justification.

Tower Hamlets Core Strategy 2010

- 10.105 Policy SP02 (6) '*Urban living for everyone*' requires all housing to be high quality, well-designed and sustainable.

Tower Hamlets Managing Development Document 2013

- 10.106 Policy DM4 '*Housing standards and amenity space*' requires all new developments to meet the London Plan's internal space standards. Private outdoor space should accord with the Mayor's '*Housing*' SPG.
- 10.107 Policy DM25 '*Amenity*' seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments and also requires the protection of neighbouring resident's privacy stipulating that a distance of 18 m. between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.

BRE Handbook '*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*'

- 10.108 The BRE provides advice on daylight and sunlight within proposed residential accommodation but is not mandatory. It provides advice on room depth and the no sky line within rooms but adopts British Standard 8206 as the main criteria that recommends minimum Average Daylight Factor (ADF) values for rooms within new residential dwellings:

>2% for kitchens;
>1.5% for living rooms; and
>1% for bedrooms

- 10.109 Site layout is the most important factor affecting the duration of sunlight in buildings. It can be divided into two main issues, orientation and overshadowing. A south facing window will generally receive most sunlight while a north facing one will only receive it in early morning and late evening in summer. East and west facing windows will only receive sunlight at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently lit.

Assessment

- 10.110 All units achieve or exceed minimum internal spaces standards although individual room sizes are not specified. Floor to ceiling height would be 2.7 m. exceeding standards. Private amenity space would be provided for all units by individual terraces. The applicant says that in six flats, would have outdoor terraces of 4 m² are proposed, shortfalls of 2 m² and 3 m².
- 10.111 In both buildings each core would be accessible by no more than eight units per floor.

- 10.112 14 single aspect north facing dwellings are proposed out of 434 (3.1%), a consequence of the aim of maximising residential active frontage to street edges, including north-facing street edges. 12 single aspect three bed apartments are proposed.
- 10.113 The separation across Marsh Wall from the east building at Cuba Street to the six lower residential floors of the previously proposed development at 30 Marsh Wall (withdrawn from the SDC agenda of 29th November 2016) would have been 16 metres, i.e. 2 metres less than the council's recommendation. The opposing windows at 30 Marsh Wall were proposed to be provided with angled louvers to prevent overlooking but officers were not satisfied this arrangement resulted in satisfactory natural light within the development.
- 10.114 Separation across Cuba Street between the proposed west building and the 8-storey 'Endeavour House' within the Landmark estate would be 18 metres and hence compliant with Local Plan guidance. . Separation across Tobago Street would be a minimum of 15.7 m. (less than the council's minimum standard) and projecting balconies on the west building would be closer - 13.2 m. & 14.2 m. from existing residential accommodation. Across Manilla Street, opposing windows in 2-6 Manilla Street would be 7.8 m. from the west building, an exceptionally close disposition, the Manilla Street carriageway being 5.6 m. wide. The houses in Bellamy Close are perpendicular to Manilla Street and good privacy would be maintained. There would be a 44.6 m. separation between the east and west towers within the proposed development which would be adequate to provide satisfactory privacy.
- 10.115 Due to such proximity, particularly across Manilla Street and to a lesser extent Tobago Street, it is considered the proposed layout would result in unacceptable lack of privacy to existing residential accommodation.
- 10.116 Submitted ES Volume 1 Chapter 14 by Aecom assesses Daylight, Sunlight and Solar Glare and is supported by ES Volume III Appendix J by BLDA Consultancy. These have been analysed by the Building Research Establishment (BRE) for the council.
- 10.117 The BRE advises for rooms which combine a living room and kitchen, BLDA have used the lower 1.5% average daylight factor recommendation for a living room. This is reasonable given that small kitchens in new buildings are often treated as non-habitable.
- 10.118 Analysing the original scheme, the BRE say overall results show that with the existing obstructions, 200 of the 1,100 rooms within the proposed development would not meet the British Standard minimum values of average daylight factor. This is a surprisingly poor result given that the surrounding buildings are all much lower than the new development and on the eighth floor and above, would cause little obstruction. With proposed new developments in place, the number of rooms failing the average daylight factor recommendations would rise to around 370, over a third of the total.
- 10.119 There are problem rooms in a number of locations, but in the east building daylight would be particularly poor in room R9 (facing the west building) and the north facing rooms on the lower floors. These rooms are partly obstructed and do not have very large windows. In the west building the worst lit rooms would be on the east side, particularly at the north east corner.
- 10.120 The BRE says the Environmental Statement's analysis of sunlight in the new development is misleading. It concludes that 1,876 out of 2,001 windows (94% of the total) '*meet BRE guidelines*'. However they have included north facing windows in this total. North facing windows will receive little sun, and the BRE guidelines state that flats facing this direction are likely to be perceived as insufficiently sunlit.

- 10.121 Taking this into account and using the data tables, sunlight provision looks mediocre, with only around half of the proposed living rooms facing due south and meeting the annual sunlight recommendation. However BLDA have omitted to analyse rooms with west facing windows that should receive some sun. It would be helpful for sunlight provision to be tabulated for these rooms to show whether they meet the BS/BRE guidelines, and for a proper analysis to be carried out showing how many living rooms receive enough sunlight.
- 10.122 Officers consider that the relatively minor alterations within the revised scheme would not alter the BRE's advice, with failures of internal daylight being mainly caused by the twin towers in close proximity to each other.
- 10.123 The applicant has responded to the BRE's advice by providing the following quotes from the Mayor's 'Housing' SPG:

"An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight within new developments. Guidelines should be applied sensitively to higher density development, especially in Opportunity Areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time" (SPG Para 1.3.45).

"The Housing SPG further states that "The daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity" (SPG Para 1.3.46).

"BRE guidelines on assessing daylight and sunlight should be applied sensitively to higher density development in London, particularly in central and urban settings, recognising the London Plan's strategic approach to optimise housing output (Policy 3.4) and the need to accommodate additional housing supply in locations with good accessibility suitable for higher density development (Policy 3.3). Quantitative standards on daylight and sunlight should not be applied rigidly, without carefully considering the location and context and standards experienced in broadly comparable housing typologies in London" (SPG Paras. 2.3.46 & 2.3.47).

- 10.124 The applicant confuses the BRE 'guidelines' for sunlight and daylight impacts with British Standard 8206 Part 2 Code of Practice for Daylighting that sets out the minimum requirements for average daylight factors in new dwellings. These recommendations are minimum values of ADF that should be obtained even if a predominantly day lit appearance is not achievable (BRE Appendix C.)

Summary

- 10.125 Whilst housing space standards would mostly be met there are deficiencies regarding private amenity space in a small number of units (six flats). Importantly, there would be poor privacy due to the relationship with adjoining buildings particularly on Manilla Street and to a lesser extent Tobago Street. A significant number of rooms within the proposed

development would fail to meet the minimum British Standard daylight. These factors demonstrate overdevelopment rather than the optimisation of the site.

Private amenity space, communal amenity space and play space

NPPF

10.126 Paragraph 73 recognises that access to high quality open spaces can make an important contribution to the health and well-being of communities.

The London Plan 2016

10.127 Policy 3.5 '*Quality and design of housing developments*' seeks to enhance the quality of local places by ensuring that new housing developments take into account the provision of public, communal and open spaces.

10.128 Policy 3.6 '*Children and young people's play and informal recreation facilities*' requires all children and young people to have safe access to good quality, well-designed, secure and stimulating play and informal recreation provision, taking account of the projected child population.

10.129 Policy 7.5 '*Public realm*' requires public spaces to be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.

10.130 Policy 7.6 '*Architecture*' says that buildings should provide high quality outdoor spaces and integrate well with the surrounding streets and open spaces.

The Mayor's 'Housing' SPG 2016

10.131 Design Standard 5 supports London Plan Policy 3.6 and reiterates that for developments with an occupancy of ten children or more should make appropriate play provision in accordance with the '*Shaping Neighbourhoods: Play and Informal Recreation*' SPG 2012. This states that children's play space should be provided in new developments with a target of 10 m² per child and further recommends the following accessibility requirements for children's play space:

- 400 metres walking distance from a residential unit for 5-11 year olds;
- 800 metres walking distance from a residential unit for 12+ year olds.

Tower Hamlets Core Strategy 2010

10.132 Policy SP04 '*Creating a green and blue grid*' seeks to deliver a network of open spaces including by maximising opportunities for new publicly accessible open space of a range of sizes. Policy SP09 '*Creating attractive and safe streets and spaces*' seeks to create a high quality public realm network which provides a range of sizes of public space that can function as places for social gathering. Policy SP12 '*Delivering placemaking*' seeks to ensure that the borough's '*places*' have a range and mix of high-quality publicly accessible green spaces.

Tower Hamlets Managing Development Document 2013

10.133 Policy DM4 '*Housing standards and amenity space*' requires residential development to provide communal amenity space at a minimum of 50 m² for the first 10 dwellings and 1 m² for every additional unit, making a requirement of 474 m² within the development.

10.134 Policy DM4 also requires child play space provision at 10 m2 per child. This can be achieved by a combination of on-site (provision for children under 5 should always be on-site) or off-site provision in line with accessibility guidance in the Mayor’s SPG.

10.135 Policy DM10 ‘*Delivering open space*’ requires development to provide or contribute to the delivery of an improved network of open spaces in accordance with the Council’s Green Grid Strategy and Open Space Strategy.

10.136 MDD Site Allocation 17 ‘*Millennium Quarter*’ shows a Green Grid route running along Cuba Street.

The South Quay Masterplan SPD 2015

10.137 The SPD identifies the site as a potential location for new public open space at the western end.

Assessment

10.138 The GLA’s child yield calculator within the Mayor’s ‘*Shaping Neighbourhoods: Play and Informal Recreation*’ SPG 2012 estimates that the development would generate 153 children (52 children under 5, 56 children aged 5-11 and 46 children aged 12+) requiring 1,533 m2 of play space.

10.139 The development proposes 1,555 m2 child play space on site and would be compliant.

Population	Child Yield (from GLA calculator)	Play space requirement	Proposed amount & location
Under 5 years	52	520m2	330 m2 (at ground) 205m2 (Level 3 West Building) Total 535 m2
5-11 years	56	560m2	560 m2 (at ground)
12 years+	46	460 m2	460 m2 (at ground)
Total child play	153	1,533 m2	1,555 m2

Figure 14. Child Yield, Play Space requirement, Play space provision

10.140 The total communal amenity space within the development would be 530 m2 exceeding the requirement of 474m2. It would be provided at Level 8 podium of the East Building (120 m2), accessible to all East Building residents, and at ground level between the East and West Buildings (410 m2). It is understood that the communal open space would be available to all, not limited to communal space for the development. It would also make a contribution to the Tower Hamlets Green Grid.



Figure 15. Proposed public open space between west and east buildings

10.141 The applicant's Environmental Statement states that sunlight provision in the proposed amenity spaces would be within the BRE guidelines, as the area receiving two hours sun on March 21 with the new development in place would be more than 50% of the total area. The Building Research Establishment (BRE) advises that the Environmental Statement does not give a proper assessment of sunlight provision in the proposed amenity spaces in the cumulative situation with other proposed developments in place. However, it is likely that the other proposed buildings do not adversely affect the sunlighting of the proposed amenity areas, as they are off to the east. The proposed open space lies mostly north of the low rise development in Bellamy Close while the major new development proposed at Alpha Square / 50 Marsh wall is to the east.

10.142 Officers are satisfied that proposed open space would receive adequate sunlight.

Impact on surroundings

The London Plan 2016

10.143 Policy 7.6 'Architecture' requires buildings not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings. Policy 7.7: 'Location and design of tall and large buildings' states:

"Tall buildings should not: ...affect adversely their surroundings in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference."

The Mayor's 'Housing' SPG 2016

10.144 Paragraph 1.3.45 advises on standards for privacy, daylight and sunlight and the implementation of London Plan Policy 7.6:

"Policy 7.6Bd requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and

*overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time. The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced **but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.**" (Emphasis added)*

Tower Hamlets Core Strategy 2010

10.145 Policy SP10 'Creating Distinct and Durable Places' protects residential amenity including preventing loss of privacy and access to daylight and sunlight.

Tower Hamlets Managing Development Document 2013

10.146 Policy DM25 'Amenity' requires development to ensure it does not result in a material deterioration of sunlight and daylight conditions of surrounding development and the avoidance of sense of enclosure. Proposals are to be assessed by the methodology within the BRE's publication 'Site layout planning for sunlight and daylight.'

10.147 To calculate daylight to neighbouring properties, the BRE emphasises that vertical sky component (VSC) is the primary assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. For sunlight, applicants should calculate the annual probable sunlight hours (APSH) to windows of main habitable rooms of neighbouring properties that face within 90° of due south and are likely to have their sunlight reduced by the development massing. For shadow assessment, the requirement is that a garden or amenity area with a requirement for sunlight should have at least 50% of its area receiving 2 hours of sunlight on 21st March. The BRE Handbook also provides guidance for assessing overshadowing of future adjoining development land.

10.148 For both Daylight Vertical Sky Component (VSC) and Sunlight (ASPH) the BRE categorises impacts as follows:

- Reduction less than 20% - **Negligible**
- Reduction of 20% -29.9% - **Minor adverse**
- Reduction of 30% -39.9% - **Moderate adverse**
- Reduction greater than 40% - **Major adverse**

Assessment

10.149 The GLA's Stage 1 Report says that "*the location of the eastern building, and its impact on privacy, daylight and wind, needs to be carefully considered in relation to emerging development proposals at 30 Marsh Wall*" but is silent on impacts on other surrounding buildings and fails to consider the impact of the West Tower.

10.150 The relationship between the proposed development and surrounding residential accommodation is explained above. Officers conclude that due to proximity, there would

be inadequate privacy to existing residential accommodation in Tobago Street and Manilla Street.

10.151 The applicant's Environmental Statement (ES) assesses the impact of the proposal on the daylight and sunlight impact on surrounding residential property and has been independently reviewed for the council by the BRE.

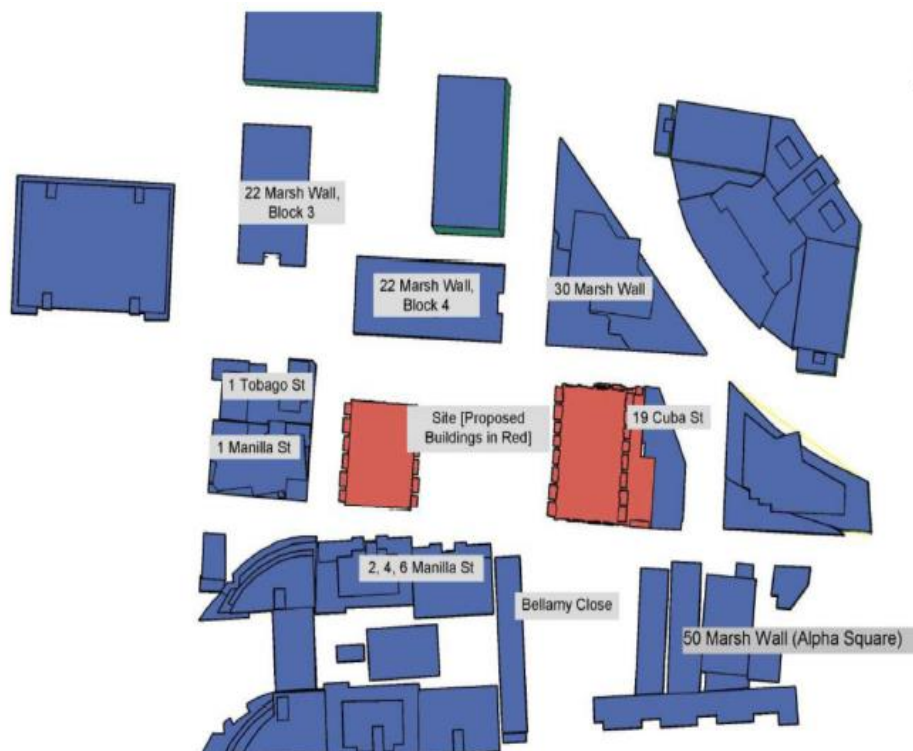


Figure 16. Application site (red) and surrounding buildings (blue)

10.152 The BRE advise that there would be a **major adverse impact** on daylight to rooms in nearby residential properties in 1 Manilla Street, 2-6 Manilla Street, 1 Tobago Street and 'Endeavour House' (The Landmark Block 4, 22 Marsh Wall). This is largely due to the proximity, size and height of the proposed West Building. The BRE says the effect on 1 Manilla Street (Regatta Point) and 1 Tobago Street would be particularly bad; in the cumulative situation with other proposed developments in place, some windows in No. 1 Tobago Street would receive no direct daylight at all. The loss of light to these properties would be well beyond what would normally be considered acceptable, even in a dense urban environment (Details of VSC reductions to adjoining residential property as a consequence of the proposed development are provided at paragraph 10.162 below).

10.153 There would also be a major adverse impact on sunlight to dwellings at 1 Manilla Street, 1 Tobago Street and Endeavour House. Loss of sunlight to 2-6 Manilla Street would not be an issue as the relevant windows face north.

10.154 The property at 9 Cuba Street backs onto the proposal site, and there is a first floor kitchen window facing the site. Daylight to this window would be completely blocked with the new development in place. The kitchen forms the rear part of a living room which receives light from the other side of the building. There would be a significant loss of amenity to the occupants of that unit, though other flats in the same building have a non-day lit kitchen.

10.155 Other dwellings in the area would not be as seriously affected as they are further away and most of their windows would not directly face the new development. There would be a moderate adverse impact on daylight to 12 Bellamy Close, and a minor adverse impact to 1, 2 and 11 Bellamy Close, 'Mayflower House' (The Landmark Block 3, 22 Marsh Wall), and the proposed development at 50 Marsh Wall (Alpha Square).

10.156 The applicant has responded to the BRE's analysis as follows:

"Planning policy and guidance seeks to ensure that daylight and sunlight impact should be considered flexibly, and it is just one consideration when designing development. Where other benefits are proposed, such as a high quality residential development, a well performing public open space in microclimate terms and active frontages, as is the case with Cuba Street, a flexible approach may be taken.

The daylight and sunlight impact is dependent on context. The impact of development in a suburban location in respect of daylight and sunlight may be less flexible than may be applied to a site that is highly dense in an area earmarked for significant growth. In this case, the site lies within the Isle of Dogs, a site suitable for the highest residential densities,

There are a number of site specific circumstances which mean that the impact of the Cuba Street development is likely to be artificially worse in respect of daylight and sunlight, including the poor design of some of the adjoining residential uses, and the unusual circumstance of the site being left vacant for a number of years, with historically low buildings on site. As a result, a BRE compliant scheme would not optimise the use of the site, and even a building of eight storeys would have a similar impact as the proposed development.

The sunlight, daylight and overshadowing results for the proposed development at Cuba Street are not out of keeping with those of similar developments which have been granted planning consent both by LBTH locally and at appeal elsewhere."

10.157 Appended to this report is Appendix 1 of a GLA representation hearing report D&P/3067/03 dated 18th November 2013 – 'Daylight and sunlight assessment tests.' It provides an explanation of the measures of daylight and sunlight used within an applicant's independent daylight and sunlight report and sets out margins for establishing material impacts based on relevant assessment thresholds.

10.158 The review recommended that in an inner city urban environment, VSC values in excess of 20% should be considered reasonably good and that VSC in the mid-teens should be acceptable. However, where the VSC value falls below 10% so as to be in single figures the availability of direct light from the sky will be poor.

10.159 With respect to the reduction factor, it should be noted that whilst BRE guidelines state that a 20% reduction is the threshold for a materially noticeable change, the independent daylight and sunlight review sets out that given the underdeveloped nature of the site under consideration, the percentage reduction should be increased to 30%, with an upper threshold of 40%. This is relevant to Cuba Street which is a vacant site.

10.160 Also appended to this report is a Planning Inspector's decision letter dated 1st October 2010 dismissing an appeal against the council's refusal of planning permission for development at the 'Anchor and Hope' Public House, 41 Westferry Road, that included the construction of a 1st & 2nd floor side extension and an additional 3rd floor. Planning

permission had been refused due to an unacceptable loss of natural light to residents in the adjoining building 43 Westferry Road contrary to the development plan and BRE Guidelines.

10.161 Lounge windows to two adjoining flats on the 2nd floor of 43 Westferry Road would have seen VSC reductions of 22.2% and 37.8% resulting in VSCs of 19.34% and 9.28%. No information on the no sky line had been provided and the applicant’s sunlight and daylight report relied on BS minimum ADF figures that should be used to assess lighting in new development and only as a check in terms of impact on existing accommodation, not the primary measure.

10.162 The appeal premises 43 Westferry Road, comprises part of the new Millwall (Canary Wharf) Fire station development. It was subsequently renamed and renumbered 2 Manilla Street and is one of the adjoining buildings affected by the current Cuba Street application. The Planning Inspector determined (paragraph 6):

“given the important role that light plays in the enjoyment of living spaces, I am not persuaded that the loss of daylight in relation to the living room of at least one 2nd floor flat of No. 2 (Manilla Street) would be within acceptable limits with regard to the living conditions of its occupiers.”

10.163 The Cuba Street development now proposed would impact on dozens of surrounding flats the most affected being within 1, 2, 4 & 6 Manilla Street, 1 Tobago Street and ‘Endeavour House,’ 22 Marsh Wall (facing Cuba Street). The applicant’s ES Volume 3 Technical Appendix J Table 2 ‘Impact of Proposed Buildings onto Existing Surrounding Dwellings’ reports VSC outcomes within the following ranges for those buildings:

Property	Existing VSC	Proposed VSC	% Reduction VSC
2, 4, 6 Manilla Street Ground & 1 st floors 7 rooms	Highest 19.39% Lowest 2.76%	Highest 6.77% Lowest 0.65%	53% - 84%
1 Tobago Street 1 st to 4 th floors 14 rooms	Highest 30.43% Lowest 5.44%	Highest 11.63% Lowest 0.87%	58% - 89%
Block 4, 22 Marsh Wall 1 st to 6 th floors 8 rooms	Highest 30.13% Lowest 12.68%	Highest 13.67% Lowest 4.12%	55% - 77%
1 Manilla Street 1 st to 3 rd floors 5 rooms	Highest 26.08% Lowest 10.97%	Highest 12.26% Lowest 3.26%	48% - 70%

Figure 17 - Vertical sky component (VSC) – Existing, proposed and % reductions

10.164 Of the windows to the 34 rooms tested, the Impact Assessment Classification for 6 rooms is ‘Moderate Adverse’ and ‘Major Adverse’ for 28 rooms.

Summary

10.165 Officers conclude that the development would result in severe reductions of natural light reaching multiple adjoining residential premises. The reductions would be combined with a much greater sense of enclosure and an overbearing form of development which would affect not only residential amenity but also have a negative impact on the sense of space and enclosure within the existing public realm particularly at the western end of the site.

The reductions would far exceed acceptable limits with regard to the living conditions of occupiers even in a dense urban environment and taking account of the fact that the application site is vacant.

10.166 The proposed development does not accord with the development plan and BRE guidance in terms of neighbourhood amenity impacts, specifically daylight/ sunlight and privacy. These are considered serious and indicate that the density, height, massing and layout of the scheme are not appropriate for this site and significantly outweigh the public benefits of the scheme.

Microclimate

Overview

10.167 Tall buildings can have an impact on microclimate, particularly in relation to wind with detrimental impacts on the comfort and safety of pedestrians and cyclists rendering landscaped areas unsuitable for their intended purpose. The Lawson Comfort Criteria is a widely accepted measure of suitability for specified purposes:

Sitting	Long-term sitting e.g. outside a café
Entrance Doors	Pedestrians entering/leaving a building
Pedestrian Standing	Waiting at bus-stops or window shopping
Leisure Walking	Strolling
Business Walking	'Purposeful' walking or where, in a business district, pedestrians may be more tolerant of the wind because their presence on-site is required for work
Roads and Car Parks	Open areas where pedestrians are not expected to linger

Figure 18 - Lawson Comfort Criteria (LCC)

10.168 For a predominantly residential urban site such as Cuba Street, the desired wind microclimate would typically need to have areas suitable for sitting, entrance use, standing and leisure walking. The business walking and roads classifications may be acceptable in isolated areas, but being associated with occasional strong winds should be avoided. Upper level amenity terraces are assessed on the basis that they are intended for good-weather use only with sitting or standing conditions during the summer acceptable.

10.169 Near building entrances, a wind environment suitable for standing or calmer is desired, and should examine the windiest season. A pedestrian thoroughfare should be suitable for leisure walking during the windiest season. Strong winds (Beaufort Force 6+) should be reported separately from the LCC.

London Plan 2016

10.170 Policy 7.7 '*Tall and large scale buildings*' says tall buildings should not affect their surroundings adversely in terms of microclimate and wind turbulence.

The Mayor's Sustainable Design and Construction SPG 2014

10.171 Paragraph 2.3.7 confirms large buildings can alter their local environment and affect the micro-climate potentially making it unpleasant at ground level or limiting natural ventilation of buildings. On sites significantly taller than the surrounding environment, developers should assess the potential impact on ground conditions, and ensure the design of the development provides suitable conditions for the intended uses.

Tower Hamlets Core Strategy 2010

- 10.172 Policy SP10 'Creating distinct and durable places' 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. This is to be achieved by ensuring development protects amenity.

Tower Hamlets Managing Development Document 2013

- 10.173 Policy DM24 'Place sensitive design' requires development to take into account impacts on microclimate. Policy DM26 'Building heights' requires development not to adversely impact on the microclimate of the surrounding area, the proposal site and the provision of open space.

Assessment

- 10.174 The applicant's Environmental Statement assesses potential impacts of the scheme on the wind microclimate in accordance with the Lawson Comfort Criteria (LCC) following wind tunnel tests. Three configurations were tested - the baseline (as existing), the completed development with existing surroundings and the completed development with proposed cumulative surroundings.

- 10.175 Generally the wind microclimate would be acceptable in and around the development. There would be isolated occurrences of windier than desired conditions and strong winds. One entrance observed windier than desired conditions; however these would be mitigated by the proposed landscaping scheme. One balcony location, the upper-most balcony on the north-west corner of the western tower, observed one category windier conditions due to being directly exposed to the prevailing south-westerly winds. This failure would be marginal and acceptable for its intended use for the majority of the summer season.

- 10.176 In the cumulative scenario strong winds (Beaufort Force 6+ outside the LCC categories) are predicted along Manilla Street and Cuba Street. These result particularly due to the schemes at Alpha Square and 40 Marsh Wall. The ES recommends that mitigation along Cuba Street and Manilla Street will be required to lower wind speeds.

- 10.177 Following a further wind study, the applicant's wind consultants RWDI issued a clarification letter on 12th May 2016. It concludes:

*"Overall, the wind conditions in the area between the above mentioned schemes are acceptable for their intended use and not as windy as initially anticipated. Allowing an open space on the southern boundary tree line promotes prevailing south-westerly flow between the two towers; thereby reducing the quantity of flow channelling between the East tower of the Proposed Development and the West tower of 50 Marsh Wall. The proposed landscaping of the Proposed Development together with the beneficial effects of other landscaping in the area is **expected** to be sufficient at reducing the marginally windy conditions to within tolerable thresholds for the intended use of the area."*

- 10.178 Officers conclude that subject to any planning permission being conditioned to require the approval and implementation of wind mitigation measures, the indications are that satisfactory conditions could be achieved but this has not been demonstrated to date.

Transport and highway considerations

NPPF

10.179 Paragraph 30 says local planning authorities should support a pattern of development that facilitates the use of sustainable modes of transport. Paragraph 32 requires development generating significant amounts of movement to be supported by a Transport Statement or Transport Assessment. TfL's Transport Assessment Best Practice Guidance Document 2010 advises that development of 2,500 m² or more be supported by a transport assessment.

10.180 Paragraph 34 says decisions should take account of whether safe and suitable access to the site can be achieved for all people. Paragraph 35 advises that developments should be located and designed where practical to:

- *accommodate the efficient delivery of goods and supplies;*
- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;*
- *incorporate facilities for charging plug-in and other ultra-low emission vehicles; and*
- *consider the needs of people with disabilities by all modes of transport.*

The London Plan 2016

10.181 The key policies applicable to transport issues are:

6.1 – *Strategic Approach*

6.3 – *Assessing effects of development on transport capacity*

6.9 – *Cycling*

6.13 – *Parking*

10.182 Policy 6.1 provides the strategic approach to the integration of transport and development encouraging patterns of development that reduce the need to travel, especially by car. Policy 6.3 requires development proposals to ensure that impacts on transport capacity and the transport network, at both corridor and local level, are fully assessed.

Cycle parking standards

10.183 Policy 6.9 requires development to provide secure, integrated and accessible cycle parking facilities in line with the minimum standards in Table 6.3 – in inner London for Class B1 (Business) 1 long-stay space per 90 m² and 1 short-stay space per 500 m². For Class C3 (dwellings) 1 cycle space for single bed units, 2 cycle spaces for all other dwellings.

Car parking standards

10.184 Policy 6.13 explains the Mayor wishes to see a balance struck between promoting development and preventing excessive parking provision. Table 6.2 sets out maximum parking standards. In 'urban' areas with PTAL4 for residential development there should be 'up to one space per unit.' Developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. Adequate parking spaces for disabled people must be provided preferably on-site. 20 per cent of all spaces must be for electric vehicles with an additional 20 per cent passive provision for electric vehicles in the future.

Tower Hamlets Core Strategy 2010

- 10.185 Strategic Objective SO20 seeks to: *'Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.'* Policy SP09 *'Creating attractive and safe streets and spaces'* provides detail on how the objective is to be met implementing a street hierarchy. Local streets should provide safe and convenient access and be place to gather and socialise in. Development should not adversely impact on the safety and capacity of the road network. Car free development is promoted.

Tower Hamlets Managing Development Document 2013

- 10.186 Policy DM20 *'Supporting a sustainable transport network'* reinforces the need for developments to be properly integrated with the transport network without unacceptable impacts on capacity and safety. It emphasises the need to minimise car travel and prioritises movement by walking, cycling and public transport.
- 10.187 Policy DM22 *'Parking'* requires developments to meet car and cycle parking standards and be permit free in areas with parking stress and good public transport accessibility. The policy supports the Mayor's cycle hire scheme and aims to ensure electric vehicle charging points and appropriate allocation of parking spaces for affordable family homes and disabled persons. Appendix 2 provides car and cycle parking standards that mirror the London Plan. Cycle parking requirements have been increased by the London Plan 2016. For accessible car parking, development with off-street parking should provide a minimum of 2 spaces or 10% of the total parking whichever is the greater.

Assessment

- 10.188 The site has a TfL Public Transport Accessibility Level PTAL4 *'Good'*. The development would increase trips that would affect the public transport network, including buses, the DLR at Heron Quays & South Quay and the interchange with the Jubilee Line and Crossrail at Canary Wharf. There is no suggestion that development on the Isle of Dogs should be restrained due to inadequate public transport capacity and the Elizabeth Line (Crossrail) is due to open in 2018. Further, the draft Isle of Dogs Opportunity Area Planning Framework recommends a future increase in the capacity of the DLR through Crossharbour. TfL raise no objection in principle requesting financial contributions to improve bus capacity and the Mayor's cycle hire scheme.
- 10.189 There would be 700 cycle spaces - 471 in the east building and 229 in the west building. Provision would meet London Plan standards.
- 10.190 The provision of two accessible parking spaces on site meets the minimum requirement of Tower Hamlets MDD Appendix 2. Otherwise, no car parking would be provided which would be policy compliant and satisfactory given the availability of local services. Should planning permission be granted, it would be recommended this be subject to a legal agreement to prevent residents (other than Blue Badge holders) from purchasing on-street parking permits. Transport and Highways suggest a £20K commuted sum is set aside three years to enable the council to provide two further on-street parking spaces for disabled motorists should demand arise, although these could not be reserved for exclusive use by residents of the development.
- 10.191 Transport and Highways Officer is content with the refuse strategy of moving all refuse to the eastern service road on the day of collection.

10.192 TfL is working with the council to develop options for new bridge links across South Dock in the vicinity of the site required to address the cumulative impact of planned growth expected on the Isle of Dogs and encourage sustainable travel. The SQMP SPD identified the need for two new bridges across South Dock that could be funded by the borough's Community Infrastructure Levy (CIL). Hence it would not be lawful to secure a contribution as a planning obligation as the development would be liable to pay the Tower Hamlets' CIL.

Conditions and section 106 Heads

10.193 If planning permission is granted, it is recommended this should be subject to the following transport related conditions & section 106 Heads:

- All cycle storage facilities to be provided and retained for the life of the development;
- A Demolition and Construction Logistics Plan to be submitted and agreed prior to works commencing;
- A Service Management Plan to be submitted and approved prior to occupation;
- A Travel Plan to be submitted and approved prior to occupation;
- 'Permit Free' arrangements preventing future residents except Blue Badge holders from applying for parking permits in the surrounding CPZ;
- A £20K commuted sum to fund the installation within 3 years of first occupation of the building of two on-street parking bays for disabled motorists if needed.
- A section 278 agreement to cover highway works including the reinstatement of vehicular crossovers, necessary works to the adjacent public highway, funding any changes to traffic management orders, signing and lining and highway works associated with proposed changes to on-street parking.

Waste management

The London Plan 2016

10.194 Policy 5.3 '*Sustainable Design and Construction*' requires that the highest standards of sustainable design and construction be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change. This should be achieved through a number of sustainable design principles, including minimising the generation of waste and maximising re-use and recycling.

10.195 Policy 5.17 – '*Waste capacity*' requires suitable waste and recycling storage facilities in all new developments. The Mayor's '*Housing*' SPG 2016 Standard 23 advises that storage facilities for waste and recycling containers should be provided in accordance with local authority requirements and meeting at least British Standard BS5906: 2005 – '*Code of Practice for Waste Management in Buildings.*' With weekly collections, the Code recommends 100 litres refuse for a single bedroom dwelling, with a further 70 litres for each additional bedroom and 60 litres internal space for the storage of recyclable waste.

Tower Hamlets Managing Development Document 2013

10.196 Policy DM14 '*Managing Waste*' requires development to demonstrate how it will provide appropriate storage facilities for residual waste and recycling. Major development should provide a Waste Reduction Management Plan for the construction and operation phases. Appendix 3 provides capacity guidelines for residential waste that are to be revised in emerging revisions to the Local Plan and a Waste SPG.

Assessment

- 10.197 Residential waste would be deposited within interim stores located at the ground level of the east building and the basement level of the west building containing sufficient provisions of 1,100L Euro Bins for the storage of residual waste and 1,280L Euro Bins for the storage of mixed dry recyclable waste, with enough space for an additional bin should food waste be collected in the future. The interim bin stores would be managed by an internal site management team, responsible for rotating the full bins with empty bins located within the managed stores located adjacent to the interim store. The '*managed stores*' would only be accessible by the internal management team; residents would only have access to the residential interim bin stores. Waste generated from the residential element of both buildings would be collected from the collection points located adjacent to the external entrances of the bin stores. Bins from the west building would be trundled to this point by the internal management team. The waste would be collected on a weekly basis.
- 10.198 Separate storage would be provided for mixed dry recyclable waste and residual waste arising from the commercial land use. Waste would be stored within the retail unit and collected from the collection point.
- 10.199 Waste Management advises that the proposed arrangements are satisfactory.

Energy and sustainability

The NPPF

- 10.200 The NPPF says planning plays a key role in delivering reductions to greenhouse gas emissions and providing resilience to climate change. The Government encourages developments to incorporate renewable energy and promote energy efficiency.

The London Plan 2016

- 10.201 Climate change policy 5.2 '*Minimising CO2 emissions*' provides the Mayor's energy hierarchy:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

- 10.202 Major developments should achieve targets for carbon dioxide emissions reduction expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations leading to zero carbon residential buildings from 2016. Policy 5.6 sets a target to generate 25% of heat and power by local decentralised energy systems.

Tower Hamlets Core Strategy 2010

- 10.203 Policy SP11 '*Working towards a zero carbon borough*' adopts a borough wide carbon reduction target of 60% below 1990 levels by 2025 with zero carbon new homes by 2016. It also promotes low and zero-carbon energy generation by implementing a network of decentralised heat and energy facilities and requires all new development to provide 20% reduction of CO2 emissions through on site renewables where feasible.

Tower Hamlets Managing Development Document 2013

10.204 Policy DM29 '*Achieving a zero-carbon borough and addressing climate change*' includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Development is required to connect to or demonstrate a potential connection to a potential decentralised energy system unless it can be demonstrated that this is not feasible or viable.

Tower Hamlets Planning Obligations SPD 2016

10.205 The SPD contains the mechanism for any shortfall in CO2 reduction on site to be met through a carbon offsetting contribution. In addition, the council has an adopted carbon offsetting solutions study (Cabinet January 2016) to enable the delivery of carbon offsetting projects.

Assessment

10.206 From April 2014, the council has applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50% target beyond Part L of the Building Regulations 2010.

10.207 The applicant's submitted Energy Strategy and addendum follows the principles of the Mayor's energy hierarchy, and seeks to focus on reducing energy demand utilising a CHP system and integration of renewable energy technologies.

10.208 The proposals are anticipated to achieve CO2 emission reductions of 6% through '*Be Lean*' measures, 28% through a CHP (185kW_e) site wide heat network and 0.2% from a photovoltaic array (2.9kW_p). The cumulative CO2 savings are proposed to accord with London Plan requirements at 34.2%. However, the proposals fall short of the LBTH policy requirements to achieve a 45% reduction in CO2 emissions.

10.209 The proposed CO2 emissions are:

- Baseline - 491 Tonnes/CO2/year
- Proposed design - 323 Tonnes/CO2/year
- LBTH policy requirement - 270 Tonnes/CO2/yr
- Annual Shortfall - 53 Tonnes/CO2/year

10.210 The submitted Energy Strategy confirms the applicant has examined the potential for connecting to a district heating system through consultation with the Barkantine District Heating Company.

10.211 The current approach to including a CHP engine is not supported given the proximity to the Barkantine network. Should planning permission be granted, it is recommended that it should be conditioned to require the submission of a feasibility study regarding connection to the Barkantine district heating network and an updated energy strategy. Should a connection to Barkantine be demonstrated to be unfeasible / viable then a site wide heat network served by a CHP could be delivered in accordance with the decentralised energy hierarchy set out in London Plan Policy 5.6.

10.212 As noted, the current proposals fall short of the council's policy requirements to achieve a 45% reduction in CO2 emissions. The calculation is based on the current energy strategy including an on-site CHP. Should it not be possible to achieve a 45% reduction, there should be a carbon offsetting contribution of £95,400, secured by a section 106 obligation, for appropriate carbon offset projects. The calculation for this figure is:

- Shortfall to meet DM29 requirements = 53 tonnes/CO2 x £1,800 = £95,400 offset payment.

10.213 It is recommended that any such payment be two stage with 50% prior to commencement and 50% prior to occupation. This would allow the final payment to be based on the updated decentralised energy strategy.

Air Quality

The London Plan 2016

10.214 Policy 7.14 *'Improving air quality'* requires development proposals to minimise increased exposure to existing poor air quality and make provision to address local air quality problems particularly within Air Quality Management Areas (AQMA) such as Tower Hamlets through design solutions, buffer zones or steps to promote greater use of sustainable transport modes. Sustainable design and construction measures to reduce emissions from the demolition and construction of buildings are also promoted. Development should be at least *'air quality neutral.'*

10.215 In July 2014 the Mayor of London published an SPG for *'The Control of Dust and Emissions during Construction and Demolition.'*

Tower Hamlets Core Strategy 2010

10.216 The entire Borough of Tower Hamlets is an AQMA and Core Strategy Policy SP03 *'Creating healthy and liveable neighbourhoods'* seeks to address the impact of air pollution. Policy SP10.4.b. *'Creating distinct and durable places'* requires design and construction techniques to reduce the impact of air pollution.

Tower Hamlets Managing Development Document 2013

10.217 Policy DM9 *'Improving air quality'* requires major development to submit an Air Quality Assessment demonstrating how it will prevent or reduce associated air pollution.

Assessment

10.218 The Air Quality Assessment within the submitted Environmental Statement shows that there will not be any significant impacts on air quality, the proposed development meets Air Quality Neutral requirements and the site is suitable for residential use. Dust emissions during construction would be negligible and controlled using on site management practices within a Construction and Environmental Management Plan. Arrangements are considered satisfactory.

Noise and vibration

NPPF

10.219 Paragraph 109 includes policy requirements to prevent new development from contributing towards unacceptable levels of noise pollution. Planning applications should identify any significant adverse effects on noise levels which may have an unacceptable impact on health and quality of life.

The London Plan 2016

10.220 Policy 7.15 *'Reducing and managing noise'* seeks to reduce and manage noise and to improve and enhance the acoustic environment in the context of development proposals.

Tower Hamlets Core Strategy 2010

- 10.221 Policy SP03 '*Creating healthy and liveable neighbourhoods*' seeks to ensure that development proposals reduce noise by minimising existing and potential adverse impact and separate noise sensitive development from major noise sources. Policy SP10.4.b. '*Creating distinct and durable places*' requires design and construction techniques to reduce the impact of noise pollution.

Tower Hamlets Managing Development Document 2013

- 10.222 Policy DM25.e. '*Amenity*' requires development to 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 by not creating unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution.

Assessment

- 10.223 Noise and vibration have been considered within the submitted Environmental Statement and found satisfactory. Conditions could be applied to any permission to ensure noise, vibration and piling are controlled during construction including hours. The operation of a small shop or community facility does not raise concern.

Contaminated land

NPPF

- 10.224 Paragraph 109 explains that the planning system should prevent new development being put at unacceptable risk from unacceptable levels of soil pollution. To prevent unacceptable risks, planning decisions should ensure that new development is appropriate for its location (paragraph 120).

London Plan 2016

- 10.225 Policy 5.21 '*Contaminated land*' requires appropriate measures to be taken to ensure that development on previously contaminated land does not activate or spread contamination.

Tower Hamlets Managing Development Document 2013

- 10.226 Policy DM30 '*Contaminated land*' requires a site investigation and remediation proposals to be agreed for sites which contain potentially contaminated land before planning permission is granted.

Assessment

- 10.227 The Ground Conditions and Contamination Report within the submitted ES identify a risk of disturbance of contaminated ground and UXO (unexploded ordnance). Environmental Protection advise that conditions should be applied to any planning permission to secure a site investigation and mitigation of any contamination or presence of UXO.

Archaeology

- 10.228 The NPPF (Section 12) emphasises that the conservation of archaeological interest is a material consideration in the planning process. Applicants are required to submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.

10.229 London Plan Policy 7.8 *'Heritage assets and archaeology'* requires development to incorporate measures that identify, record, interpret, protect and where appropriate, present the site's archaeology. New development should make provision for the protection of archaeological resources.

Tower Hamlets Core Strategy 2010

10.230 Policy SP10 *'Creating distinct and durable places'* says the council will protect heritage assets and their settings including archaeological remains and archaeological priority areas.

Tower Hamlets Managing Development Document 2013

10.231 Policy DM27 *'Heritage and the historic environment'* requires development proposals located within or adjacent to archaeological priority areas to be supported by an Archaeological Evaluation Report.

Assessment

10.232 The site is not located within or adjacent to an Archaeological Priority Area. A desk-based Historic Environment Assessment has been carried out for the site and the proposed development, the findings of which have informed the Archaeology Chapter within the Environmental Statement.

10.233 It is reported that surviving archaeological remains are likely to consist of post-medieval agricultural remains. Within the underlying alluvium there is also high potential for palaeo-environmental remains. Whilst the site overlies a gravel island on the floodplain, which would potentially have been suitable for settlement and other activity, an archaeological evaluation on the site in 2008 found no evidence for such.

10.234 The construction of the proposed west building would remove all archaeological and palaeo-environmental remains within its footprint. The raft foundation for the east building would also remove any remains within its footprint with the exception of features cut into the Gravel.

10.235 The 2008 archaeological evaluation established that the potential of the site is likely to be limited to remains of no more than low significance and the council concluded that no further archaeological investigation would be required for the scheme then proposed which included a double basement across the whole site. On this basis the ES concludes that no further archaeological investigation is likely to be required.

10.236 The Final Review Report of the ES by Land Use Consultants for the council advised that Archaeological Chapter is acceptable. It recommends an archaeological watching brief during the basement excavation, which would ensure that any previously unrecorded archaeological assets, if present, are not removed without record.

10.237 The Greater London Archaeological Advisory Service recommends a condition to require a two stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

Flood Risk

NPPE

10.238 The NPPE says the susceptibility of land to flooding is a material planning consideration. The Government looks to local planning authorities to apply a risk-based approach to their decisions on development control through a sequential test and if required an exception test.

10.239 Paragraph 102 explains that for development to be permitted both elements of the Exception Test must be passed:

- *It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- *A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

10.240 Paragraph 104 says development should be appropriately flood resilient and resistant, with safe access and escape routes where required, and that any residual risk is safely managed, including by emergency planning.

The London Plan 2016

10.241 Policy 5.12 'Flood Risk Management' confirms that development proposals must comply with the NPPE's flood risk assessment and management requirements.

Tower Hamlets Core Strategy 2010

10.242 Policy SP04 (5) within 'Creating a Green and Blue Grid' says the council will reduce the risk and impact of flooding by using a Sequential Test to assess and determine the suitability of land for development based on flood risk. All new development that has to be located in a high flood risk zone must demonstrate that it is safe and passes the Exception Test.

Assessment

10.243 The Environment Agency's Flood Map shows the site located in Flood Zone 3 (High Risk) i.e. greater than 0.5% per annum (less than 1:200 probability a year). However, it is protected by the Thames Tidal flood defences to a 1 in 1,000 year annual (<0.1%) and means the site is within a low risk area but at risk if there was a breach or the defences overtopped.

10.244 Residential is a 'More Vulnerable' use but the site has passed the Tower Hamlets Sequential Test within the Borough's Level 2 Strategic Flood Risk Assessment 2011. A site specific Flood Risk Assessment within the submitted Environmental Statement demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere and passes the Exception Test.

10.245 The Environment Agency raises no objections but recommends raising finished floor levels above the breach flood level - 5.45 m. AOD and that the applicant produces a Flood Warning and Evacuation Plan. Both these matters could be conditioned by any planning permission.

Sustainable urban drainage (SUDS)

NPPE

- 10.246 Paragraph 103 asks local authorities in determining planning application to ensure that flood risk is not increased elsewhere and any residual risk gives priority to the use of sustainable drainage systems.

The London Plan 2016

- 10.247 Policy 5.11 '*Green roofs and development site environs*' requires major development to include roof, wall and site planting including the provision of green roofs and sustainable urban drainage where feasible. Policy 5.13 '*Sustainable drainage*' requires schemes to utilise SUDS, unless there are practical reasons for not doing so, and aims to achieve Greenfield run-off rates.

Tower Hamlets Core Strategy 2010

- 10.248 Policy SP04 5. within '*Creating a green and blue grid*' requires development to reduce the risk and impact of flooding through, inter alia, requiring all new development to aim to increase the amount of permeable surfaces, include SUDS, to improve drainage and reduce surface water run-off.

Tower Hamlets Managing Development Document 2013

- 10.249 Policy DM13 '*Sustainable drainage*' requires development to show how it reduces run off through appropriate water reuse and SUDS techniques.

Assessment

- 10.250 The application is supported by a Preliminary Drainage Strategy. It is proposed to reduce surface water run off to Greenfield rates in line with the London Plan target. This would be achieved by providing 110 m³ of below ground storage. The Council's Sustainable Drainage Officer advises that the proposed arrangements are satisfactory. The arrangements would need to be secured by condition were planning permission granted.

Biodiversity

NPPE

- 10.251 Paragraph 109 requires the planning system to contribute to and enhance the natural and local environment by minimising impacts on biodiversity providing net gains where possible. Local Plans should plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (Paragraph 114). Opportunities to incorporate biodiversity in and around development are encouraged.

The London Plan 2016

- 10.252 Policy 7.19 '*Biodiversity and access to nature*' requires development proposals wherever possible to make a positive contribution to the protection and enhancement of biodiversity.

Tower Hamlets Core Strategy 2010

- 10.253 Policy SP04 concerns '*Creating a green and blue grid.*' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs whilst ensuring that development protects and enhances areas of biodiversity value.

Tower Hamlets Managing Development Document 2013

- 10.254 Policy DM11 '*Living buildings and biodiversity*' requires developments to provide elements of a '*living buildings*.' This includes living roofs, walls, terraces or other greening techniques. The policy requires developments to deliver net biodiversity gains in line with the Tower Hamlets Local Biodiversity Action Plan (LBAP).

Assessment

- 10.255 The application site is largely hard surfaces with little vegetation. The Council's Biodiversity officer is concerned that Jersey Cudweed (a protected plant) could have been missed in the submitted ecology survey undertaken in January. The applicant has invited a condition to ensure a further survey to be undertaken within summer months prior to construction to confirm the conclusions reported in the Preliminary Ecological Assessment that found no Jersey Cudweed.
- 10.256 The applicant notes the criticism of the low diversity of planting in the proposed green space between the two buildings. To increase bio-diversity, an updated Landscaping Statement January 2016 significantly increased the amount of native tree & shrub species, introduced a species rich turf and a 100% UK native shade tolerant wildflower mix. The provision of the green space between the two buildings is welcomed in line with the policy to create a green and blue grid.
- 10.257 The applicant says the relatively small area of roof space means that green or living roofs cannot be accommodated but is happy to review the proposals with their Landscape Architects to determine whether the proposals can provide other biodiversity enhancements including bird nesting boxes.
- 10.258 If planning permission was to be granted, it would be recommended that it should be conditioned to require the submission, approval and implementation of a revised landscaping scheme to include biodiversity measure and details of nesting boxes for appropriate bird species.

London City Airport Safeguarding

- 10.259 The application site lies beneath flight paths to and from London City Airport in an area subject to aerodrome safeguarding. London City Airport has no objection in principle and National Air Traffic Services confirm the development does not conflict with safeguarding criteria.
- 10.260 London City Airport request conditions that if during construction any crane or scaffolding higher than 136.226m AOD is required their use must be subject to separate consultation with the airport and any changes to the height or location of the development must be re-submitted to London City Airport for re-assessment.

Radio and television reception

- 10.261 An electronic interference survey was carried out on the 17th June 2015. The Crystal Palace transmitter which provides terrestrial TV signals in London is located 9.3 km to the south-west. The '*Poplar*' local terrestrial transmitter is located 1.7 km to the north-east. The proposed development does not have the potential to block its signals.

- 10.262 The effect on surrounding dwellings is not considered to be significant. Only three dwellings may depend solely on the Crystal Palace transmitter, and it is unknown whether these rely on cable TV services in which case they would not experience any effects.
- 10.263 The Docklands Light Railway (DLR) lies 150 m. to the east but there are no relevant transmitters that could in theory be blocked. No objection has been received from the DLR following consultation. The Maritime and Coastguard Agency and Port of London Authority have been informed and neither have any comments. No mobile phone masts were found during the survey and the service is deemed not to be at risk.
- 10.264 In view of the findings of the survey, officers agreed that electronic interference could be scoped out of the Environmental Impact Assessment. It is considered that resultant conditions would be acceptable with no mitigation required.

Environmental Impact Assessment (EIA)

- 10.265 The planning application represents EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and is accompanied by an Environmental Statement (ES) by Aecom.
- 10.266 The environmental information comprises the ES, any further information submitted following request(s) under Regulation 22 and any other information, any representations made by consultation bodies or by any other person about the environmental effects of the development. Regulation 3 prohibits the council from granting planning permission without consideration of the environmental information.
- 10.267 The council appointed Land Use Consultants Limited to independently examine the ES, to prepare an Interim Review Report (IRR) and to confirm whether the ES satisfies the Regulations. This is supported by reviews by the authority's internal environmental specialists. The IRR dated October 2015 identified clarifications and potential '*further information*' required under Regulation 22.
- 10.268 In April 2016, Aecom replaced the entire Environmental Statement. It assesses the environmental impacts of the development under the following topics:
- Demolition and Construction;
 - Traffic and Transport;
 - Socio-economics;
 - Noise and Vibration;
 - Air Quality Assessment;
 - Ground Conditions;
 - Water Resources, Drainage and Flood Risk;
 - Archaeology;
 - Wind Microclimate;
 - Daylight, Sunlight and Overshadowing;
 - Townscape, Visual and Built Heritage Assessment; and
 - Effect Interactions.
- 10.269 In June 2016, Land Use Consultants Ltd issued a Final Review Report on the replacement ES and further information regarding wind that had been submitted in May 2016. In June 2016, the council advised the applicant that a query regarding wind had been satisfied concluding that the ES is regulatory compliant.

10.270 Following the submission of revised plans in June 2017 (reducing the development by 14 residential units and increasing child and communal amenity space), Aecom provided an Environmental Impact Assessment Statement of Conformity (SoC). The purpose of the SoC is to consider the environmental effects associated with the amendments and whether these are consistent with the Environmental Impact Assessment (EIA) work undertaken previously. The SoC concludes that the design changes will not result in any changes to the significance of the residual environmental effects previously identified and no further environmental assessment work is required.

10.271 The council has appointed Land Use Consultants Limited to independently examine the SoC. The Strategic Development Committee will be advised on their findings in an Update Report.

10.272 Impact upon local infrastructure / facilities

10.273 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure taking account of the Council's Infrastructure Delivery Plan (IDP). The Council's Planning Obligations SPD 2016 sets out how these impacts can be assessed and appropriate mitigation.

10.274 The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and,
- (c) Fairly and reasonably related in scale and kind to the development.

10.275 Regulation 122 of the CIL Regulations 2010 brought the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests. Section 106 obligations should be used where the identified pressure from a proposed development cannot be dealt with by planning conditions and the infrastructure requirement relates specifically to that particular development and is not covered by CIL.

10.276 Core Strategy Policy SP13 '*Planning obligations*' also sets out the council's priorities for planning obligations. These are: Affordable housing; sustainable transport; open space; education; health; training employment and enterprise; biodiversity; community facilities; highway works and public realm.

10.277 If permitted and implemented, the proposal would be subject to the Council's Community Infrastructure Levy. The Council's Regulation 123 List September 2016 sets out those types of strategic infrastructure that will or may be wholly or partly funded by CIL:-

- Community facilities,
- Electricity supplies to all council managed markets,
- Employment and training facilities,
- Energy and sustainability (including waste) infrastructure,
- Flood defences,
- Health and social care facilities,
- Infrastructure dedicated to public safety (for example, wider CCTV coverage),
- Leisure facilities such as sports facilities, libraries and Idea Stores,
- Open space, parks and tree planting,
- Public art provision,

- Public education facilities,
- Roads and other transport facilities.

10.278 Should planning permission be granted, the council's CIL contribution is estimated at £8,251,003. In addition the development would be liable to the London Mayor's CIL estimated at. £1,246,123. The development involves a small increase in commercial floorspace that would also attract the Mayor's Crossrail levy, secured as a planning obligation.

10.279 The applicant has offered 35% affordable housing by habitable room with a tenure split of 70:30 affordable rented at Borough Framework levels for the E14 postcode and intermediate housing.

10.280 Should planning permission be granted, it would be recommended that the developer enters a section 106 Agreement under the following Heads:

- On-site affordable housing arrangements;
- To use reasonable endeavours to meet at least 20% local procurement of goods and services;
- 20% local labour in construction, 23 apprentices and a contribution of £157,645 towards training and skills;
- Parking permit-free arrangements (other than Blue Badge holder or those eligible for the Permit Transfer Scheme);
- To implement travel plans;
- £20,000 commuted sum to be set aside for three years following occupation of the building to enable the council to provide two further on-street parking spaces for disabled motorists should demand arise,
- A carbon off-setting contribution of £95,400 should a connection to the Barkantine Energy Centre not be feasible;
- To provide and retain the proposed public open space;
- To ensure the public open spaces and pedestrian routes within the development are maintained, cleansed and lit and made available for public access 24 hours a day except in emergency or at times to be agreed;
- Ensure the provision of a sustainable urban drainage system;
- A section 106 Monitoring fee payable to the London Borough of Tower Hamlets at £500 per clause applicable to the borough.

10.281 Additionally, TfL has requested financial contributions towards dock crossing improvements, increased local bus provision, cycle hire capacity and land for a cycle hire docking station. The funding of the South Dock crossing falls within the council's CIL. The other transport matters would fall within section 106. The sums would need to be established as they have not been specified by TfL.

Other Local finance considerations

10.282 Section 70(2) of the Planning Act provides that in dealing with a planning application a local planning 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.

10.283 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.

In this context “*grants*” include the New Homes Bonus Scheme (NHB).

10.284 NHB was introduced by the Government in 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The NHB is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. The grant matches the additional council tax raised by the council for each new house built for each of the six years after that house is built. This is irrespective of whether planning permission is granted by the Council, the Mayor of London, the Planning Inspectorate or the Secretary of State.

10.285 Using the DCLG’s New Homes Bonus Calculator, it is estimated the development would generate approximately £673,333 in the first year and £4,040,654 over six years.

10.286 If planning permission is refused for the current application NHB would not be received but would be due if an alternative development involving new housing was permitted should the scheme remain in operation.

Human rights Act 1998

10.287 Section 6 of the Act prohibits the local planning authority from acting in a way which is incompatible with the European Convention on Human Rights parts of which were incorporated into English law under the Human Rights Act 1998.

10.288 Following statutory publicity, no objections have been raised on the ground that a grant of planning permission would result in any breach of rights under Article 8 of the European Convention on Human Rights or the Human Right Act 1998.

Equalities Act 2010

10.289 The Equalities Act provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex 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. The Committee must be mindful of this duty when determining all planning applications and representations to the Mayor. In particular, the Committee must pay due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.







10.290 It is considered the proposed development would not conflict with any of the above considerations. It is also considered that any impact in terms of fostering relations and advancing equality with regard to sex, race, religion and belief would be positive. In particular, the development, including access routes and buildings that would be accessible by persons with a disability requiring use of a wheelchair or persons with less mobility.

11 CONCLUSION

11.1 All relevant policies and considerations have been taken into account. It is recommended that the Committee resolves to inform the Mayor of London that planning permission should be **REFUSED** for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS and the details set out in the RECOMMENDATIONS at Section 3 of this report.

Planning Application Site Map
PA/15/02528



	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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Daylight and sunlight assessment tests

Purpose of this appendix

1 This appendix is intended to provide a factual explanation of the measures of diffuse daylight and sunlight used within the applicant's daylight and sunlight report - setting out the margins for establishing material impacts in this case, based on relevant assessment thresholds, and informed by an independent review of the applicant's daylight and sunlight report.

2 The applicant has used three measures of diffuse daylight (vertical sky component; average daylight factor; and, no-sky line), and one measure of sunlight (annual probable sunlight hours). An explanation of the methodology behind these assessments is set out under the corresponding sections below.

Diffuse daylight

Vertical sky component

3 Vertical sky component (VSC) is a 'spot' measure of the skylight reaching the mid-point of a window from an overcast sky. It represents the amount of visible sky that can be seen from that reference point, from over and around an obstruction in front of the window. That area of visible sky is expressed as a percentage of an unobstructed hemisphere of sky, and, therefore, represents the amount of daylight available for that particular window. As it is a 'spot' measurement taken on the outside face of the window, its shortcoming is that it takes no account of the size or number of the windows serving a room, or the size and layout of the room itself.

Determining a material impact

4 For existing buildings, the Building Research Establishment (BRE) guideline is based on the loss of VSC at a point at the centre of a window, on the outer plane of the wall. The BRE guidelines state that if the VSC at the centre of a window is more than 27% (or if not, then it is more than 80% of its former value), then the diffuse daylighting of the existing building will not be adversely affected.

5 It should, nevertheless, be noted that the 27% VSC target value is derived from a low density suburban housing model. The independent daylight and sunlight review states that in an inner city urban environment, VSC values in excess of 20% should be considered as reasonably good, and that VSC in the mid-teens should be acceptable. However, where the VSC value falls below 10% (so as to be in single figures), the availability of direct light from the sky will be poor.

6 With respect to the reduction factor, it should also be noted that whilst BRE guidelines state that a 20% reduction is the threshold for a materially noticeable change, the independent daylight and sunlight review sets out that given the underdeveloped nature of the site relative to its context, this percentage reduction should be increased to 30%, with an upper threshold of 40%.

Average daylight factor

7 Average daylight factor (ADF) is a measure of the adequacy of diffuse daylight within a room, and accounts for factors such as the size of a window in relation to the size of the room; the reflectance of the walls; and, the nature of the glazing and number of windows. Clearly a small room with a large window will be better illuminated by daylight than a large room with a small window, and the ADF measure accounts for this.

Determining a material impact

8 BRE guidelines confirm that the acceptable minimum ADF target value depends on the room use. That is 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. In cases where one room serves more than one purpose, the minimum ADF should be that for the room type with the higher value. Notwithstanding this, the independent daylight and sunlight review states that, in practice, the principal use of rooms designed as a 'living room/kitchen/dining room' is as a living room. Accordingly, it would be reasonable to apply a target of 1.5% to such rooms.

No-sky line

9 No-sky line (NSL) is a measure of the distribution of diffuse daylight within a room. The NSL simply follows the division between those parts of a room that can receive some direct skylight from those that cannot. If from a point in a room on the working plane (a plane 850mm above the floor) it is possible to see some sky then that point will lie inside the NSL contour. Conversely, if no sky is visible from that point then it would lie outside the contour.

10 Where large parts of the working plane lie beyond the NSL, the internal natural lighting conditions will be poor regardless of the VSC value, and where there is significant movement in the position of the NSL contour following a development, the impact on internal amenity can be significant.

Determining a material impact

11 When comparing the NSL for existing buildings against that proposed following development, BRE guidelines state that if the no-sky line moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit.

Sunlight

Annual probable sunlight hours

12 Annual probable sunlight hours (APSH) is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some of the day. Therefore, BRE guidance states that only windows with an orientation within 90 degrees of south need be assessed.

Determining a material impact

13 BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period.



Appeal Decision

Site visit made on 10 September 2010

by **Gary Deane BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
1 October 2010

Appeal Ref: APP/E5900/A/10/2123847

Anchor & Hope Public House, 41 Westferry Road, London E14 8JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Nilesh Lukka against the decision of the Council of the London Borough of Tower Hamlets.
- The application Ref PA/09/01972, dated 28 September 2009, was refused by notice dated 24 November 2009.
- The development proposed is the change of use of existing public house to two Class A1 shops at ground floor level with basement store; the use of the upper floors as two, 2-bedroom flats and two studio flats including the erection of a side extension at 1st and 2nd floor levels and an additional 3rd floor.

Decision

1. I dismiss the appeal.

Procedural matter

2. The Council has advised that the address of the flats above the Fire Station within the building to the south east of the site has changed to 2 Manilla Street. The previous address of these flats was 43 Westferry Road. Although the Council's reason for refusal refers to the former address, I have used 2 Manilla Street as this is now the correct address.

Main issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of the 2nd floor flats of 2 Manilla Street, with particular regard to daylight.

Reasons

4. The proposal would include an extension at 1st and 2nd floor levels and an additional 3rd floor to the appeal property, the Anchor and Hope Public House. As such, the proposed development would reduce the daylight that would reach some of the northwest-facing windows of the adjacent building, 2 Manilla Street. It appears to be accepted that at least one, 2nd floor flat of No 2 would be affected in terms of the loss of daylight as its living room window and balcony would be situated close to the southeast corner of the proposed building.
5. The appellant's Daylight and Sunlight Study (the Study) concludes that the percentage of sky visible from the centre of the living room window of a 2nd floor flat (the vertical sky component or VSC) would be below the guidelines

set out in the British Research Establishment document, *Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice* (BRE). The Study also makes reference to additional windows serving the living room of a 2nd floor flat and, in using a different measure, the Average Daylight Factor (ADF), concludes that the loss of daylight for that room would, nonetheless, be within acceptable limits for its occupiers. However, in reaching these conclusions the Study is not accompanied by a plan or photographs that identify the particular windows to which those results relate. Moreover, the assessment is not supported by, for example, a plan showing the internal layout of that flat and how the windows specifically relate to the proposed development.

6. These are important deficiencies given the findings of the assessment, which indicate, to my mind, that the estimated VSC reduction in relation to at least 2 windows of No 2 would be significant and the reliance placed on the additional living room windows in providing adequate daylight to a 2nd floor flat. Against that background, and given the important role that light plays in the enjoyment of living spaces, I am not persuaded that the loss of daylight in relation to the living room of at least one 2nd floor flat of No 2 would be within acceptable limits with regard to the living conditions of its occupiers.
7. The Study also concludes that there would be significant VSC reductions to the 1st floor room windows of the Fire Station and that, as a result, the BRE guidelines with regard to this measure would not be met. As these rooms would provide sleeping accommodation for the fire fighters associated with the Fire Station, their use would generally be on a short-term basis. In those circumstances, the Council raises no objection to this aspect of the proposed scheme and, on balance, I, too, find the proposed development acceptable in this respect.
8. I therefore conclude that the proposal would cause unsatisfactory living conditions for the occupiers of at least one 2nd floor flat of No 2. It would therefore conflict with Policy DEV2 of the Tower Hamlets Unitary Development Plan, which seeks to ensure that adjoining buildings are not adversely affected by a material deterioration of their light conditions. The proposal would also conflict with Policies CP4 and DEV1 of the Council's interim planning guidance, *Core Strategy and Development Control Submission Document*. The underlying aim of this guidance is to ensure that development incorporates good design principles including access to light.

Other matters

9. For the occupiers of the 2nd floor flats of No 2, and those of the 1st floor rooms of the Fire Station, the additional built form of the proposal close to these windows would feel imposing. However, given that the existing building is already close to this accommodation, there would already be some sense of enclosure for these existing occupiers. I doubt that the additional height and scale of the proposed building would unduly heighten the sense of enclosure to the extent that the living conditions of these occupiers would be significantly harmed. Furthermore, there would be no noticeable loss of sunlight for the occupiers of No 2 primarily due to the position of the proposed development to the northwest of this building.

10. Interested parties raise several additional concerns regarding the proposed development including light and privacy for the occupiers of the Franklin building, the arrangements for refuse and recycling, outlook and security. These are all important matters and I have taken into account all the evidence before me. However, given my findings on the main issue these are not matters upon which my decision has turned.

Conclusion

11. I have had regard to all other matters raised. However, these matters are not sufficient to outweigh the harm that I have identified. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR

