

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 26 October 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 Asma Begum, Councillor Md. Maium Miah, Councillor
Gulam Robbani, Councillor Shafi Ahmed and Councillor Julia Dockerill

Substitutes:

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

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 24 October 2017**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Wednesday, 25
October 2017**

Contact for further enquiries:

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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 5 - 8)

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

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 9 - 20)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 4 October 2017

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 21 - 22)

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.

	PAGE NUMBER	WARD(S) AFFECTED
4. DEFERRED ITEMS	23 - 24	
4.1 1-3 Corbridge Crescent and 1-4 The Oval, E2 9DS (PA/16/03771)	25 - 92	St Peter's

Proposal

Demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 10 storeys to provide 57 residential dwellings (Use Class C3), with associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1).

Recommendation:

That the Committee resolve to GRANT planning permission subject to Any direction by The London Mayor, the prior completion of a Section 106 legal agreement, conditions and informatives.

5.	PLANNING APPLICATIONS FOR DECISION	93 - 94	
5 .1	49-59 Millharbour, 2-4 Muirfield Crescent And 23-39 Pepper Street, London, E14	95 - 168	Canary Wharf

Proposal:

Demolition of existing buildings at 49-59 Millharbour, 2-4 Muirfield Crescent and 23-39 Pepper Street and the comprehensive mixed use redevelopment including two buildings ranging from 26 storeys (90.05m AOD) to 30 storeys (102.3m AOD) in height, comprising 319 residential units (Class C3), 1,708sqm (GIA) of flexible non-residential floor space (Classes A1, A3, A4 and D1), private and communal open spaces, car and cycle parking and associated landscaping and public realm works. The application is accompanied by an Environmental Statement.

Recommendation:

That the Committee resolve to GRANT planning permission

5 .2	East India Dock Basin, Lower Lea Crossing	169 - 194	Blackwall & Cubitt Town
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Proposal:

Relocate the Historic vessel SS Robin from the Royal Victoria Docks to the East India Dock Basin. The vessel will occupy an elevated position on the east side of the Lock Entrance beside the River Thames.

Recommendation:

That the Committee resolve to GRANT planning permission and listed building consent.

Next Meeting of the Strategic Development Committee

Thursday, 30 November 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 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

Asmat Hussain Corporate Director of Law Probity and Governance and Monitoring Officer,
Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 4 OCTOBER 2017

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

Members Present:

Councillor Marc Francis (Chair)
Councillor David Edgar (Vice-Chair)
Councillor Sirajul Islam
Councillor Gulam Robbani
Councillor Shafi Ahmed
Councillor Peter Golds (Substitute for Councillor Julia Dockerill)
Councillor Danny Hassell (Substitute for Councillor Asma Begum)

Other Councillors Present:

None

Apologies:

Councillor Asma Begum
Councillor Md. Maium Miah
Councillor Julia Dockerill
Councillor John Pierce (items 4.1 – 4.2)
Councillor Chris Chapman (items 4.1 – 4.2)

Officers Present:

Jerry Bell	(Area Planning Manager (East), Planning Services, Place)
Gareth Gwynne	(Team Leader, Planning Services, Place)
Jennifer Chivers	(Planning Officer, Place)
Kate Harrison	(Planning Officer, Place)
Tim Ross	(Team Leader, Planning Services Place)
Joseph Ward	(Development Viability Team Leader, Place)
Fleur Francis	(Team Leader - Planning, Legal Services Governance)
Zoe Folley	(Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of Disclosable Pecuniary Interests were declared.

2. MINUTES OF THE PREVIOUS MEETING(S)

That the minutes of the meeting of the Committee held on 17th August 2017 be agreed as a correct record and signed by the Chair subject to the following amendments:

Item 5.2, 562 Mile End Road & 1a, 1b, 1c Burdett Road (PA/16/00943)

That in respect of the second paragraph of the minute:

- 'Mrs McGinley' be replaced by 'Ms McGinley'
- That 'They welcomed the inclusion of the nightclub' be replaced by 'Mr Whitfield and Councillor Golds welcomed the inclusion of the nightclub'

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 Enterprise House, 21 Buckle Street, London E1 8NN (PA/16/03352)

Update report tabled.

Jerry Bell (Area Planning Manager (East)) introduced the report for the demolition of existing office building and erection of a 13 storey building (plus enclosed roof top level plant storey) containing aparthotel with office workspace an ancillary café and hotel reception space at ground floor, together with associated works.

Gareth Gwynne, (Planning Services) presented the application. He advised that the application was considered by the Strategic Development Committee on 17th August 2017. The Committee voted against the officer's recommendation for approval and were minded to refuse the application on grounds of:

- Sunlight and daylight impacts from the development.
- Scale bulk and height of the development.
- Adverse heritage impacts.
- Overprovision of short stay accommodation and associated opportunity cost.

It was also noted that since that meeting, Officers had drafted proposed reasons for refusal that reflected the Committee concerns as set out in the 4th October committee report and the update report.

In terms of the amenity impacts, Officers acknowledged that there was tangible evidence that the application would result in significant adverse sunlight and daylight failing to properties. Furthermore, it was open to the Committee to place less weight on the public benefits of the application compared to Officer's deliberations in the Officer report, and therefore consider that the harm to residential amenity was not outweighed.

Regarding the overdevelopment of the site and heritage impacts, Officers remained of the view that the reductions in the height of the building and the other design features were sufficient to overcome the reasons for refusal of the previous application. Notwithstanding this, Officers recognised that the height and overall scale of the proposal on this confined site presented challenges in respect of residential amenity, townscape impacts and the setting of listed buildings. Accordingly, a reason on this basis could be defended at appeal.

Regarding the visitor accommodation, it could be considered that the need for additional short stay accommodation had not been adequately demonstrated given the levels of supply in the pipeline and that forecast. Members were also reminded that the benefit of the proposed additional rooms to the local economy was likely to be relatively small due to the nature of the application and would result in a net loss of office space and jobs. Therefore, it was considered that a reason for refusal based on the above issue, subject to the amendment in the update report, could be defended at appeal.

It was also reported that if refused, the applicant had stated that they would appeal the decision and this would be considered at a public enquiry.

The officer recommendation remained to grant the planning permission. However if Members were minded to refuse planning permission, they were invited to consider the four reasons of refusal set out in the Committee report subject to the revision in the update report regarding the third reason for refusal.

On a vote of 0 in favour of the Officer recommendation to grant planning permission, 4 against and 0 abstentions, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be refused for the reasons set out in the Committee report dated 4th October 2017 as amended in the Committee update report (in respect of the third reason for refusal). On a vote of 4 in favour, 0 against and 0 abstentions, the Committee **RESOLVED:**

That planning permission be **REFUSED** at Enterprise House, 21 Buckle Street, London E1 8NN for the demolition of existing office building and erection of a 13 storey building (plus enclosed roof top level plant storey) rising to 56.32m (AOD) containing 103 unit aparthotel (C1 Use) with B1 Use Class office workspace at ground and mezzanine level with an ancillary café (A3 Use Class) and hotel reception space at ground floor, together with ancillary facilities, waste storage and associated cycle parking store(PA/16/03352) for the following reasons as set out in the 4th October 2017 Committee report as amended in the Committee update report as detailed below:

(1) Harm to residential amenity

The proposed development would cause significant harm to the amenities and living conditions of occupiers of neighbouring residential properties through both major and moderate losses of daylight and sunlight, excessive loss of outlook resulting from the overbearing nature of the development including an undue sense of enclosure. As such the development would be contrary to NPPF, as set out paragraphs 14, 17 and 56 of the NPPF and the Local Plan including Policy SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013) which seek to protect the amenity of residents including ensuring that development does not result in unacceptable material deterioration of daylight and sunlight conditions for future and existing residents.

(2) Overdevelopment

The proposed development exhibits clear and demonstrable signs of overdevelopment by virtue of:

- a) its adverse amenity impacts to residential neighbours;
- b) from its detrimental townscape impacts resulting from the proposed height, scale and mass of the development set on a small, tightly confined site edged by two narrow streets and set within an established lower scale urban street block;
- c) resultant harm to the significance of the setting of the Grade II* listed St George's German Church and to the Grade II listed Dispensary Building, the former St George's German and English Schools, the former St George's

German and English Infants' School, that are not outweighed by the public benefits of the scheme, by reason of the height, scale, mass of the development set in immediate proximity to these designated heritage assets and the proposed schemes impacts upon local townscape views of this cluster of listed buildings.

d) unacceptable relationships to other developments that limits the opportunity to achieve a tall building on site or increase significantly the height of the existing building envelope on site such that it is compatible with the objectives of sustainable development and delivering high quality place-making within Aldgate.

As such the scheme would fail to provide a sustainable form of development in accordance with NPPF including paragraphs 17, 56, 61, 128-134 and would be contrary to the development plan in particular policies 7.4, 7.5, 7.6 and 7.7 and 7.8 of the London Plan (2016), policies SP02, SP06, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies, DM0, DM23, DM24, DM25, DM26, DM27 the Tower Hamlets' Managing Development Document and the Borough's vision for Aldgate, that taken as a whole, have an overarching objective of achieving place-making of the highest quality.

(3) Need for short-stay accommodation insufficient to outweigh amenity harm, loss of office floorspace and harm to heritage assets.

The need for additional short stay accommodation to serve visitors and the borough's economy has not been adequately demonstrated given the strong pipeline supply of short stay accommodation, the limited contribution to the local economy arising from the proposed development, and the discernible disbenefits to the local economy arising from a net loss of office floorspace and associated net loss of local jobs. In addition any need for additional short stay visitor accommodation in the Borough would not outweigh the harm to residential amenity, local townscape and heritage assets.

As a result the proposal is not considered to be in accordance with the development plan including Policies DM0, DM7, DM24, DM25 of the Managing Development Document, Core Strategies Policies, SP06, SP010, London Plan Policies 2.13, 4.1, 4.2 7.4.

(4) Lack of a legal agreement to secure mitigation

In the absence of a legal agreement to secure agreed and policy compliant financial and non-financial contributions including for employment, skills, training and enterprise and transport matters the development fails to mitigate its impact on local services, amenities and infrastructure. The above would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policies 8.2 of the London Plan (2016) and LBTH's Planning Obligations SPD (2016).

4.2 225 Marsh Wall, E14 9FW (PA/16/02808)

Update report tabled.

Jerry Bell (Area Planning Manager (East)) introduced the application for full planning application for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storey residential led development with commercial and community uses and associated works.

Kate Harrison (Planning Services) presented the report reminding the Committee of the site location and the nature of the surrounding area including the developments nearby. The Committee were advised that the application for planning permission was considered by the Strategic Development Committee on 17th August 2017. The Committee voted against the officer's recommendation for approval and were minded to refuse the application on the grounds of

- Overdevelopment of site due to the:
- Height,
- Density,
- Impact on infrastructure and
- the failure of the proposal to provide an adequate transition between the higher rise commercial area to the north and the low-rise residential areas to the south and east

The applicant had not made any changes to the scheme.

Officers had drafted detailed reasons for refusal reflecting the Committees proposed reasons set out in the 4th October 2017 Committee report and the update report.

In relation to the concerns around infrastructure, officers strongly advised that this should not be included as a reason for refusal as officers did not consider this to be a robust reason for refusal and unlikely to be defensible at appeal. The Marsh Wall East site allocation did not require the inclusion of any on site community infrastructure. Furthermore, the applicant would make the policy compliant contribution through the Community Infrastructure Levy payment and had committed to a number of additional Section 106 payments including contributions to buses in the area. However, a reason had been drafted should members seek to refuse the scheme on these grounds. Officers had also drafted an additional standard reason for refusal relating to the absence of a legal agreement.

The Committee supported the two proposed reasons set out in paragraph 5.3 of the Committee report and paragraph 1.1 of the Committee update report.

On a vote of 0 in favour of the Officer recommendation to grant planning permission, 3 against and 0 abstentions, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be refused for the reasons set out in paragraph 5.3 of the Committee report dated 4th October 2017 including the additional proposed condition set out in paragraph 1.1 of the Committee update report. On a vote of 3 in favour, 0 against and 0 abstentions, the Committee **RESOLVED:**

That planning permission at 225 Marsh Wall, E14 9FW be **REFUSED** for Full planning application for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storey (maximum AOD height 163.08m) comprising 332 residential units (Use Class C3); 810 square metres of flexible community/ office floorspace (use class D1/ B1); 79 square metres of flexible retail/restaurant/community (Use Class A1/A3/D1), basement cycle parking; resident amenities; public realm improvements; and other associated works (PA/16/02808) for the following reasons set out in paragraph 5.3 of the 4th October 2017 Committee report and paragraph 1.1 in the update report .

1. The excessive scale and height of the proposed development within its local context would not be proportionate to the sites position outside of the Canary Wharf major centre and would not maintain the transition in height between Canary Wharf to the north and the lower rise buildings to the south and east. The proposed scale, height and massing would result in a development that fails to present a human scale of development at street level, is too large for the plot size, is overbearing, is unduly prominent in local views and detracts from the low-rise character of the area to the south and east. The proposed development therefore fails to respect the features that contribute to the area's character and local distinctiveness and demonstrates clear symptoms of over development and excessive density. This is contrary to Strategic Objectives SO22 & SO23 and Strategic Policies SP10 and SP12 of the Core Strategy (2010), Policies DM24, DM26 and DM27 of the Managing Development Document (2013) and Policies 3.5, 7.4, 7.6, 7.7 & 7.8 of the London Plan (2016).
2. In the absence of a legal agreement to secure agreed and policy complaint financial and non financial contributions including for employment, skills training and enterprise and transport matters the developer fails to mitigate its impact on local services, amenities and infrastructure. The above would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Polices 8.2 of the London Plan, (2016) and LBTH Planning Obligations SPD, (2016).

5. PLANNING APPLICATIONS FOR DECISION

5.1 1-3 Corbridge Crescent and 1-4 The Oval, E2 9DS (PA/16/03771)

Update report tabled.

Jerry Bell (Area Planning Manager (East)) introduced this item for the demolition of existing single storey commercial buildings, with the retention, restoration, and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 10 storeys to provide a residential led scheme.

He also introduced item 6.1 for the demolition of existing single storey commercial buildings, with the retention, restoration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 8 storeys to provide a residential led building. This application had been subject to an appeal for non – determination. Therefore, the Council no longer had the power to determine this. Therefore, the Committee were being asked to provide their decision on the application should they have been empowered to determine the application.

The applications would be presented to the Committee and considered together (Officer presentation and Member questions on the application), however would be voted on separately.

Jennifer Chivers (Planning Services) presented the reports. The Committee were advised of the nature of the site including the coach depot and the key features of the cottages. They were also reminded of the surrounding area that mainly comprised light industrial uses. The Committee were also advised of the site allocation in policy (which designated the site for a comprehensive mixed used development with strategic housing) and the current status of the gas works and the impact of this on the development as set out in the Committee report.

It was also noted that the previous two applications for the redevelopment of the site had been subject to a planning appeal by Inquiry in 2016. The Inspector dismissed the appeal on two grounds which related to the height of Block A (at both 16 and 18 storeys) and the retention of the historic Regency and Georgian Cottages. While the appeal was dismissed, the Inspector identified several key features of the scheme as having positive elements and that the proposal bore the hallmark of a well-designed mixed use development. The appeal decisions were important material planning considerations in relation to the applications before members. (The appeal decision was attached to the Committee agenda). The applications shared many similarities with the appeal schemes save for a marked reduction in the height of the proposed buildings and the retention of the cottages.

The officer explained the key features of the applications. The proposed residential use of the site conformed with the site location in policy. Whilst the proposed 10 storey (Block A) building was considered to cause some harm to the Regents Canal Conservation Area, it was considered that the public merits of the application would balance this harm. The proposed development and 8 storey (Block A) would preserve the setting of the Conservation Area

In relation to the 10 storey application, 13% of the housing mix would be affordable housing by habitable room and 6% of the 8 storey application would provide such accommodation. Officers acknowledged that the provision of affordable housing was low. However, taking into account the viability constraints of the site and the appeal decision of the Planning Inspector, and the viability reviews (which all concluded that the maximum provision of affordable housing had been achieved), Officers considered that the proposed development complied with the Council's policies. It was also recommended that a viability review mechanism be secured within an s106 agreement which was recommended to include a requirement to take account, where possible, the use of grant funding to increase affordable housing delivery on site.

It was proposed that the viability review mechanism would provide two opportunities for a review to be triggered, firstly if the development had not been implemented within 24 months from the grant of permission, and secondly at an advanced stage (i.e. when the scheme is 75% occupied). It was also proposed to restrict occupation of Block B where the affordable units were located, so if there was further surplus it could be provided in this location in tangible units.

Officers also explained that the proposed level of child play space complied with policy, that the amenity impacts and transport matters would be acceptable subject to the conditions. They also drew attention to the package of Section 106 obligations.

Overall Officers considered that in view of the merits of the applications that permission should be granted.

In response, the Committee welcomed the retention of the cottages but asked about the scope of the alterations and the measures to preserve their historic features. Officers advised that the cottages would be subdivided and their external features upgraded to preserve their historic features. There would be a condition requiring that a schedule of the works be submitted.

The Committee also asked questions about the height of block B and the location of the affordable housing within this block. It was also questioned if there were any restrictions in policy on the height of this block. Officers confirmed that this block would comprise a mixture of affordable and private units. There would be separate entrances to the private and affordable units. Whilst there was nothing in policy restricting the height of this block to four storeys, the Planning Inspector found that a lower building at this location would complement the setting of the cottages.

Members also asked questions about the level of dedicated child play space giving its proximity to the communal amenity space (within the 'shared amenity space'). Members also sought clarity on the nature of the integrated play space and whether all of the play space would in practice provide such space. Officers reassured Members that the scheme met the policy requirement in relation to play space and that there had been no 'double counting' in terms of play space and amenity space. In addition, a condition would be added to the permission to ensure that the play areas catered for all age groups.

Questions were also asked about the proximity of the site to the gas holders site given the health and safety issues. In particular, concern was expressed about the restrictions preventing the occupation of units pending the decommissioning of the gas holders. Officers reassured Members about the need for this condition given the site's location. It was also noted that the gas holders had not been in use for a number of years and that the site had been bought by a developer who would seek to revoke the hazardous substance consent. In the meantime, it was necessary to add this condition in view of the health and safety issues.

The Committee also asked questions about the density of the application given that it exceeded the guidance in the London Plan and the special circumstances justifying this. Officers advised that this guidance should not be applied mechanistically and felt that the application met the tests in policy in this regard, (given the site allocation, design, mixture of tenures, fact that it could prompt the wider development of the area), amongst other benefits.

Concern was also expressed about the height of the tallest elements of the applications given the mid - rise nature of the surrounding area and the Planning Inspectors concerns about the appeal scheme and also Historic England's comments. It was questioned whether there were any other examples of where the Council had approved buildings of a similar height along the Regents Canal Conservation Area. In response, Officers drew attention to the changing nature of the area and also outlined the prevailing building heights. Officers confirmed that the Council's Conservation Officer was of the view that the 10 storey building would cause some harm to the Conservation Area, but that the eight storey building would not cause any harm. The National Planning policy framework required any harm to be offset by public benefits of the application. Officers felt that on balance that the public benefits would outweigh any harm caused.

Members also asked questions about the land use itself in view the nature of the surrounding area. It was questioned whether consideration had been given to the possibility of a commercial development on the site. In response, Officers drew attention to the site allocation in policy for this site and stated that this had informed the Council's position.

The Committee also asked questions about the land contamination assessment. Concern was expressed about the quality of the land itself given the site's longstanding use as a coach depot and how this could affect the

development. Officers reported that the Health and Safety Executive had not raised any concerns and that there would be a detailed condition relating to land contamination.

The Committee also asked questions that were answered by Officers about the possibility of securing contributions for offsite affordable housing and the shortcomings of this in terms of the housing mix.

In summary, Members expressed concern about the level of affordable housing (it was feared that this could set a precedent). Members were mindful of the review mechanism but felt that this would not overcome their concerns. Concern was also expressed about the focus on residential and the lack of employment use, given the current employment opportunities at the site. Members also expressed concerns about the height, bulk, massing from block A, the adverse impact on the Conservation Area, (notwithstanding the need for the areas regeneration), given it was a key part of the Borough's industrial heritage. Members were mindful of the concerns of the Planning Inspectorate and Heritage England in relation to this. Concern was also expressed about the lack of certainty as to when the units could be occupied given the issues surrounding the gas works.

On a vote of 0 in favour of the Officers recommendation, 6 against and 0 abstentions, 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 0 against and 0 abstentions the Committee **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at 1-3 Corbridge Crescent and 1-4 The Oval, E2 9DS for the demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 10 storeys to provide 57 residential dwellings (Use Class C3), with associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1). (PA/16/03771)

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

- Land use and lack of employment use.
- Height, bulk and massing of Block A.
- Impact on the character and appearance of the Conservation Area.
- Level of affordable housing.
- Environmental concerns arising from use of the site as a coach depot.

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

6. OTHER PLANNING MATTERS

6.1 1-3 Corbridge Crescent and 1-4 The Oval, E2 9DS (PA/16/03773)

Update report tabled.

On a vote of 0 in favour, 6 against and 0 abstentions, the Committee did not agree the Officer recommendation that were it empowered to determine the planning permission, the Council would have GRANTED permission.

Accordingly, Councillor Marc Francis proposed a motion that were it empowered to determine the planning permission, the Council would have **REFUSED** the planning permission (for the reasons set out below) and on a vote of 6 in favour 0 against and 0 abstentions the Committee **RESOLVED**:

That the Committee resolves to inform the Planning Inspectorate that were it empowered to determine the application for planning permission the Council would have **REFUSED** permission at 1-3 Corbridge Crescent and 1-4 The Oval, E2 9DS for the demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 8 storeys to provide 51 residential dwellings (Use Class C3), with associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1) (PA/16/03773) due to concerns over the following issues:

- Land use and lack of employment use.
- Height, bulk and massing of Block A.
- Impact on the character and appearance of Conservation Area.
- Level of affordable housing.

The meeting ended at 8.20 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • 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

Agenda Item 4

Committee: Strategic Development	Date: 26 October 2017	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Place		Title: Deferred Items	
Originating Officer:		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

2. DEFERRED ITEMS

- 2.1 The following item is in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
4 th October 2017	(PA/16/03771)	1-3 Corbridge Crescent and 1-4 The Oval,	Demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 10 storeys to provide 57 residential dwellings (Use Class C3), with associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1).	The Committee were minded to refuse the application due to concerns over: Land use and lack of employment use. Height, bulk and massing of Block A. Impact on the character and appearance of the Conservation Area. Level of affordable housing. Environmental concerns arising from use of the site as a coach depot.

**LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6**

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

3. CONSIDERATION OF DEFERRED ITEMS

3.1 The following deferred application is for consideration by the Committee. The original reports along with any update reports are attached.

- 1-3 Corbridge Crescent and 1-4 The Oval, E2 9DS (PA/16/03771)

3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

4. PUBLIC SPEAKING

4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

Agenda Item 4.1

Committee: Strategic Development	Date: 26 ^h October 2017	Classification: Unrestricted
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Report of: Director of Place	Title: Applications for Planning Permission
Case Officer: Jennifer Chivers	Ref No: PA/16/03771
	Ward: St Peters

1.0 APPLICATION DETAILS

Location: 1-3 Corbridge Crescent and 1-4 The Oval, E2 9DS

Proposal: Demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 10 storeys to provide 57 residential dwellings (Use Class C3), with associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1).

2.0 BACKGROUND

2.1 The application for planning permission for the proposed development was considered by the Strategic Development Committee on 4 October 2017. The original report and the update report are appended.

2.2 The Committee voted against the officer's recommendation for approval and were minded to refuse the application on the following basis:

- The bulk scale and mass of the tallest building (Block A).
- Land use did not satisfactorily provide sufficient quantum of employment floor space and resulted in the loss of an existing business;
- Level of affordable housing;
- Impact of the development on the conservation area;
- Environmental concerns relating to the contamination from previous historic use.

2.3 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.

3.0 COMMITTEE REASONS FOR REFUSAL

Bulk, scale and mass of block A

3.1 Members expressed concerns with regard to the height of block A at 10 storeys was still taller than the prevailing height in the area. Member's acknowledged that the height while at a marked reduction of 8 storeys from the previous appeal schemes, however did not consider the reduction to be sufficient.

- 3.2 At 10 storeys it is considered that the proposal involves a tall building. The Tall Buildings – Historic England Advice Note 4 (2015) states that “*What might be considered a tall building will vary according to the nature of the local area*”. A Planning Policy Explanatory Note was agreed by the Mayor in Cabinet on 19th September 2017 which seeks to reiterate the borough’s approach to tall buildings through its existing Local Plan. The Note also seeks to define a tall building in Tower Hamlets, and confirms that “*The definition of a “Tall Building” in the Borough will therefore depend on its location and the predominant height of buildings in the local context*”. This definition allows for the fact that areas of different character within the borough have different sensitivities and that a five storey building in a two-storey context is equally as prominent as a much taller building in a more built up context. Mid-Rise buildings are those that are considered to be tall in the context of relatively low-rise development but that in absolute terms are in the region of 6-9 storeys.
- 3.3 The proposal at 10 storeys is taller than the predominant height of buildings within the local context and therefore is defined as a tall building. The prevailing height, scale and mass within buildings fronting the canal within the Regents Canal Conservation area range from 4-6 storeys and as such at 10 storeys the building presents a marked contrast in scale, bulk and mass.
- 3.4 At a height of ten storeys the building would not be considered appropriate in terms of form, proportions, composition and scale and would therefore be out of character with the surrounding fine urban grain. As such it would be a stark transition in character particularly within local views.
- 3.5 It is therefore reasonable for members to conclude that the proposed development at 10 storeys does not respond positively to the existing character, scale, height, massing and fine urban grain of the surrounding built environment, and fails to integrate with heritage assets in the surrounding area. Block A at 10 storeys would still be significantly higher than the prevailing height of development within its local context, the Regents Canal and the Regents Canal Conservation area. Officers therefore consider that this reason could be defended at appeal.

Land Use

- 3.6 Member’s discussed the proposed mix of land uses on site and considered that the residential led scheme did not provide sufficient quantum of replacement employment floor space to justify the loss of an existing employment site and business.
- 3.7 Managing Development Document Policy (DM15) (Local job creation and investment) paragraph 1 states ‘the upgrading and redevelopment of employment sites outside of spatial policy areas will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition’. In the explanation to the text 15.4 states that DM 15 (1) does not apply to site allocations, which applies in this instance, and as such this would not be a reason for refusal.
- 3.8 However 15(2) states that ‘development which is likely to adversely impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere’. The applicant has stated that this coach yard is ancillary to the main

coach yard Empress have outside London. However no information has been provided on where the other sites are located. Additionally, as the site is currently active, there is no information on whether this business could be relocated within the borough or that the needs of the business are better met elsewhere. As such, this could be a reason for refusal.

- 3.9 The site is also located within the outer core area of the City Fringe/Tech city Opportunity Area. The Tech City OAPF states that mixed use schemes should still seek to provide significant employment floorspace where proposals include the demolition of existing employment floorspace. The OAPF seeks to ensure there is the space for continued business growth in the city fringe. In addition, one of the key aspirations of the document is to strike the appropriate balance between residential and commercial development.
- 3.12 This scheme provides 461sqm of either B1 (office) or D1 (non – residential institutions) floorspace with unit sizes ranging between 95 – 132 sqm. While the OAPF strives to achieve flexible work spaces, the four units are provided individually with no ability to be flexible on floor plates, layouts or combining units (with the exception of unit 2 and 3). Given the small sizes of the units and the quantum it is considered that there would be little space for continued business growth on this site and therefore the scheme presents an inappropriate balance between residential and commercial development.
- 3.13 As the scheme is largely residential led it provides 6530sqm (GIA) of residential floorspace and only 451sqm of commercial floor space. The commercial floorspace represents a low 7% of the total development floor space which would not be seen as an adequate mix of in terms of use allocation.
- 3.14 Therefore, the low quantum of floor space would not justify the loss of an existing business and would not provide a significant level of employment floor space that provides for specific needs. Officers consider this could be defended at appeal.

LEVEL OF AFFORDABLE HOUSING

- 3.15 Members discussed the level of affordable housing provided in a strategic housing allocation, which would fall significantly below the Council's target of 35-50% and would be contrary to Policy SP02.
- 3.16 Policy SP02 paragraph 4.4 states that given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision.
- 3.17 In this case, it would be reasonable for members to conclude that while the application provided detailed and robust financial statements which were independently reviewed, there were insufficient benefits of the scheme to outweigh the failure to contribute to affordable housing.
- 3.18 In addition, members have identified harm that would be caused as a result of the scheme being the bulk, scale, height and mass of Block A, harm to the conservation area of the scheme and the proposed land use. Therefore, it is considered that there

are insufficient benefits of the scheme in order to justify the low levels of affordable housing.

Impact of the development on the conservation area;

- 3.19 Members felt that the proposed development would cause less than substantial harm to the Regents Canal Conservation Area and would fail to preserve or enhance the character of this heritage asset. Block A at 10 storeys would be significantly higher than the prevailing height of development, within the Regents Canal Conservation area. Members states that the harm identified to the designated heritage asset is not outweighed by the public benefits of the scheme.
- 3.20 Section 72 (1) of the Planning (Listed Building and Conservation Areas) 1990 Act requires the Council in reaching a decision on a planning application to pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 3.21 Any harm to such designated assets should be weighed against the public benefits of the proposal, in accordance with paragraph 134 of the NPPF. Members have concluded the scheme would result in harm to the conservation area. In the absence of Members identifying public benefits that outweigh the identified harm to heritage this reason could be defended at appeal.

Environmental concerns relating to the contamination from previous historic use.

- 3.22 Members expressed concerns with the historic landuse of the site with the impact of contamination and the storage of petrol and chemicals on site and the future redevelopment for residential uses.
- 3.23 DM30 (Contaminated land and development and storage of hazardous substances) states that where development is proposed on contaminated land or potentially contaminated land, a site investigation will be required and remediation proposals agreed to deal with the contamination before planning permission is granted.
- 3.24 In additional Policy 5.21 of the London Plan (2016) states that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination and that wherever practicable, brownfield sites should be recycled into new uses. This also provides an opportunity to deal with any threats to health and the environment posed by contamination.
- 3.25 The applicant provided a site investigation geo-environmental desk study preliminary risk assessment report prepared by Jomas associates. The environmental health contaminated land officer has reviewed the submitted information and considers there is a possibility for contaminated land to exist however that the risk has been assessed and can be mitigated by condition.
- 3.26 The EH officer has recommended a two part condition which requires a report which identify the extent of the contamination and measures to be undertaken to avoid risk to public and environment, this will include intrusive investigation of the site, including testing, risk assessment and proposal for the remediation on how to treat and or remove the contaminated land.
- 3.27 The redevelopment will not be occupied until this remediation has been carried out in full, and further reports have been submitted to the council demonstrating the

remediation works have been effective. These reports will be assessed by the Councils specialist officers.

- 3.28 As such, officers consider that this reason for refusal would be difficult to defend at appeal. However, if members are minded to proceed with this reason, officers have prepared the potential reason for refusal.

4.0 IMPLICATIONS OF REFUSING PLANNING PERMISSION

- 4.1 The officer recommendation has been to grant planning permission but it is the Committee's prerogative to disagree with that recommendation if there are clear planning reasons for doing so. In coming to an alternative view the Committee has to take into account the provisions of the development plan, any other relevant policies and relevant material considerations including the previous appeal decisions.

- 4.2 If planning permission is refused, there are a number of routes that the applicant could pursue: Appeal to the Secretary of State. An appeal would be determined by an independent Inspector appointed by the Secretary of State. Whilst officers have recommended approval, any appeal would be vigorously defended on behalf of the Council.

- 4.3 The applicant has not made any changes to the scheme and as such officers have drafted the following reasons for refusal for members to consider:

Financial implications - award of costs

- 4.4 In dealing with appeals, all parties, including the Local Planning Authority, are expected to behave reasonably to support an efficient and timely process, for example in providing all the required evidence and ensuring that timetables are met. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.

- 4.5 Unreasonable behaviour in the context of an application for an award of costs may be either:

- procedural – relating to the process; or
- substantive – relating to the issues arising from the merits of the appeal.

- 4.6 An example of the former might be failing to keep to the requirements of an appeal timetable to submit statements of case or other evidence. An example of the latter might be taking a decision which could be described as unreasonable in the context of all of the evidence available to the decision maker. It is this latter aspect that the Committee members in their role as decision makers need to be mindful of.

5.0 RECOMMENDATION

- 5.1 Officer recommendation to **GRANT** planning permission remains unchanged.

- 5.2 However if members are minded to **REFUSE** planning permission the following **four Reasons of Refusal** are recommended:

Reason 1 - Scale of development

1. *The proposed development does not respond positively to the existing character, scale, height, massing and fine urban grain of the surrounding built environment, and fails to integrate with heritage assets in the surrounding areas; Block A at 8 storeys would be significantly higher than the prevailing height of development, within its local context, the Regents Canal and within the Regents Canal Conservation area. It would therefore be contrary to policy SP10(4) of the Core Strategy (2010), Policy DM24 of the Councils adopted Managing Development Document (2010) and Policy 7.3 and 7.6 of the London Plan (2016).*

Reason 2 - Land Use

2. *The proposal results in the loss of an existing business which has not been adequately justified, loss of an existing employment site and low quantum of replacement employment floorspace is contrary to the objectives of the City Fringe / Tech City Opportunity Area Framework and meeting the needs of small-medium enterprises, start-ups and creative and tech industries. As such the proposal is contrary to Core Strategy Policy SP06, Policy DM15 of the Councils Managing Development Document (2010), policies 4.3 and 4.4 of the London Plan (2016).*

Reason 3 – Housing

3. *By virtue of its excessive density, and level of affordable housing in a strategic housing allocation which falls significantly below the Council's target of 35 – 50%, the proposed new housing would not assist in the creation of a sustainable place and contribute to the creation of socially balanced and inclusive communities and would fail to meet identified housing needs contrary to Policy SP02 of the Council's adopted Core Strategy (2010), Policy DM3 of the Council's adopted Managing Development Document (2013) and Policies 3.3, 3.4, 3.9, 3.11, 3.12 and 3.13 of the London Plan (2016).*

Reason 4 - Impact on the Conservation Area

4. *The proposed development would cause less than substantial harm to the Regents Canal Conservation Area and would fail to preserve or enhance the character of this heritage asset. Block A at 8 storeys would be significantly higher than the prevailing height of development, within the Regents Canal Conservation area. The harm identified to the designated heritage asset is not outweighed by the public benefits of the scheme. The scheme would therefore be contrary to paragraph 134 of the National Planning Policy Framework, and policies SP10 of the Core Strategy (2010) and policies DM24 and DM27 in the Managing Development Document.*

Reason 5 – Land contamination

5. *The proposed development has the potential for contamination which has not undertaken appropriate measures to ensure the activation or spread of contamination as such the development poses risk to health and the environment and is contrary to policies 5.21 and 5.22 of the London Plan (2016) and policies DM30 of the Managing Development Document (2013).*

Reason 6 – necessary mitigation not secured

6. *In the absence of a legal agreement to secure agreed and policy compliant financial and non-financial contributions including for employment, skills, training and enterprise and transport matters the development fails to mitigate its impact on local services, amenities and infrastructure. The above would be contrary to the*

requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policies 8.2 of the London Plan (2016) and LBTH's Planning Obligations SPD (2016).

- 5.7 It is the professional view of officers that the above reasons for refusal could be defended at appeal

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Committee: Strategic	Date: 4 October 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Jennifer Chivers	Ref No: PA/16/03771 - Full Planning Permission
	Ward: St Peter's

1. **APPLICATION DETAILS**

Location: 1-3 Corbridge Crescent and 1-4 The Oval, E2 9DS

Existing Use: Residential (C3) and Coach Parking (Sui Generis)

Proposal: Demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 10 storeys to provide 57 residential dwellings (Use Class C3), with associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1).

Drawing and documents: See Appendix one

Applicant: The Oval Crescent limited

Ownership: Aitch Group

Historic Building: None

Conservation Area: Regents Canal Conservation Area
Hackney Road Conservation Area (400m to the north)

2. EXECUTIVE SUMMARY

- 2.1. The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.
- 2.2. The site has had an extensive planning history and has been subject to a planning appeal by Inquiry in 2016. The Inspector dismissed the appeal on two grounds which relate to the height of Block A (at both 16 and 18 storeys) and the retention of the historic Regency and Georgian Cottages. While the appeal was dismissed, the Inspector identified several key features of the scheme as having positive elements and that the proposal bears the hallmark of a well-designed mixed use development. This appeal and its outcomes are important material planning considerations in relation to the application currently before members.
- 2.3. The proposed redevelopment of this site for a residential led mix use development is considered appropriate in this location as it falls within the Marian Place Gas Works and The Oval site allocation and the City Fringe/Tech City Opportunity Area.
- 2.4. The proposed 10 storey (Block A) building is considered to cause some harm to the Regents Canal Conservation Area, however the retention and upgrade of the historic cottages, the bringing forward of a site allocation with a well-designed high quality scheme, creating through links and upgrading the surrounding public realm is considered to balance this harm in terms of the public benefit derived from the proposal.
- 2.5. In relation to the 57 residential units 13% (thirteen percent) of these would be affordable housing by habitable room. In dwelling numbers this will comprise 51 private units and 6 affordable rented units (London affordable rent and Tower Hamlets living rent). The development is considered to provide a suitable mix of housing and tenure types. Officers acknowledge the provision of affordable housing is low however, taking into account the viability constraints of the site and the appeal decision of the Planning Inspector, the two independent reviews (including cost consultants) commissioned by the Council, and the GLA's viability review, which all conclude that the maximum provision of affordable housing has been achieved. The proposed development is therefore considered to comply with the Council's adopted local plan policy SP02 which requires 35%-50% affordable homes subject to viability.
- 2.6. Given the potential for changes in sale values and construction costs, the scheme should be subject to viability reviews in line with the Mayor of London's guidance. A viability review mechanism will be secured within an s106 agreement which is recommended to include a requirement to take account and where possible the use of grant funding to increase affordable housing delivery on site. It is proposed that the viability review mechanism would provide two opportunities for a review to be triggered, firstly if the development has not been implemented within 18 months from the grant of permission, and secondly at an advanced stage (i.e. when the scheme is 75% occupied).
- 2.7. It is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development subject to conditions, and therefore transport matters, including parking, access and servicing would be acceptable.

- 2.8. A strategy for minimising carbon dioxide emissions from the development has been proposed and an in lieu contribution has been agreed. Landscaping and biodiversity features are also proposed which seek to ensure the development is environmentally sustainable.
- 2.9. The associated legal agreement would secure an appropriate package of Section 106 obligations, in accordance with the Council's Planning Obligations SPD (2012), and includes financial contributions. The proposal has been subject to independent viability testing which has confirmed that the scheme has maximised its viable potential in terms of its provision of affordable housing and Section 106 contributions.
- 2.10. The scheme would be liable to both the Mayor's and the borough's community infrastructure levy. In addition, it would provide a necessary and reasonable planning obligation to local employment and training.

3. 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 **Section 106 legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £27,924 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £2690 towards employment skills and training to access employment in the commercial uses within the final development (end use phase);
- c) A contribution of £119,280 towards carbon off-set initiatives
- d) A contribution towards monitoring (at £500 per head of term) towards monitoring compliance with the legal agreement.
- e) A contribution of £30,000 for on street accessible parking spaces.

Total Contribution financial contributions **£179,894**

Non-financial contributions

- a) Delivery of 13% affordable housing by habitable room
- b) Viability review mechanism
- c) A commitment to pursue grant funding for additional affordable housing
- d) A commitment to secure at least 20% local employment during the construction and operational phases
- e) A commitment to secure at least 20% of procurement from local business during the construction phase
- f) Apprenticeships during construction and end user phases (4 NVQ Level 2)
- g) The provision of a public access route – Hare row to the Oval (in kind provision)
- h) The provision of improvements to grove passage (in-kind provision)
- i) Car and permit free agreement
- j) Travel plan
- k) A commitment to comply with the Council's code of construction practice.

- 3.2. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.3. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

Compliance' Conditions

1. Permission valid for 5 years;
2. Development in accordance with approved plans;
3. Hours of construction
4. Retention of cycle parking
5. Hours of operation of commercial/community units

Prior to Commencement' Conditions

6. Details of contractor
7. Construction Environmental Management plan;
8. Ground contamination remediation and mitigation
9. Method Statement for works to historic cottages
10. Archaeological Investigation

Prior to completion of superstructure works conditions

11. Secure by Design Accreditation
12. Detailed Design and Samples for the proposed building
13. Detailed Design and Samples for retained cottages
14. All units to be wheelchair accessible residential units (1:50) including at least 10% M4(3)
15. Noise insulation details residential units
16. Details of sound insulation between commercial and residential
17. Biodiversity mitigation and enhancements
18. Landscaping plan
19. Details of site connections for CHP

Prior to Occupation' Conditions

20. Hazardous Substances Consent revocation
21. Contamination remediation
22. Details of all external plant and machinery including air quality neutral measures;
23. Details of Cycle Parking
24. Waste Management Strategy
25. Delivery and Servicing Management Plan
26. Travel Plan
27. Demonstration of energy savings

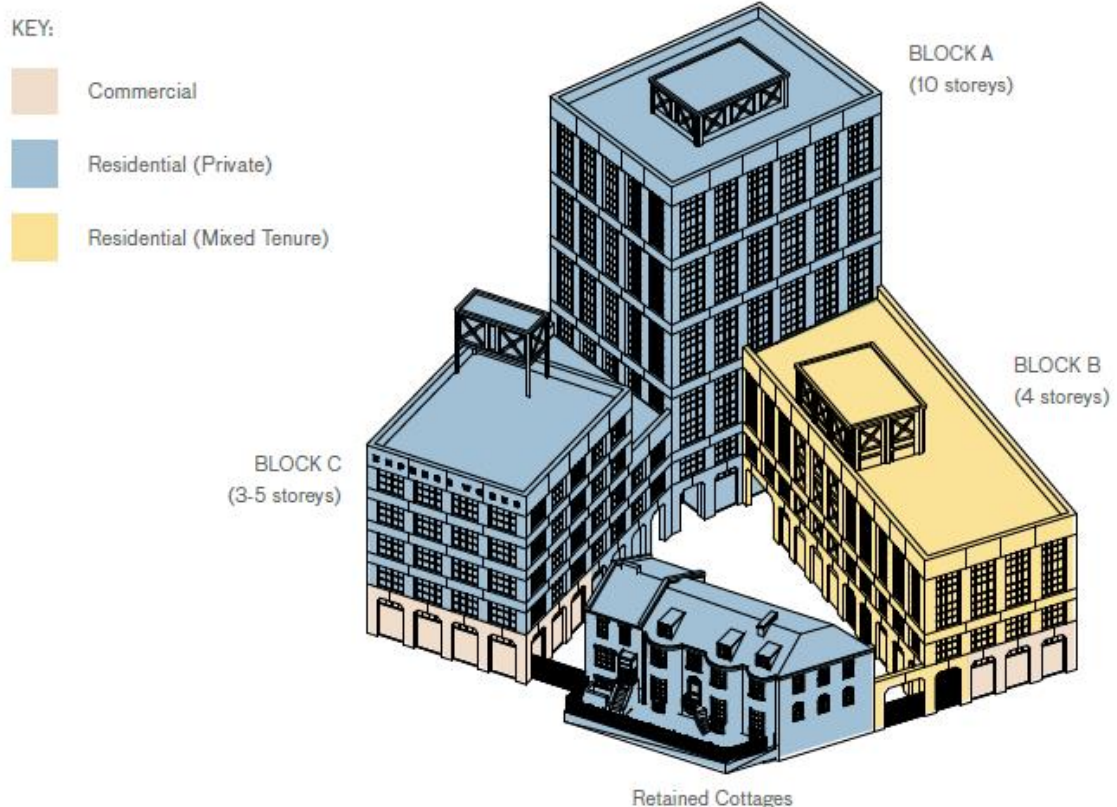
Informatives

1. Subject to s278 agreement
2. Subject to s106 agreement
3. CIL liable
4. Thames Water informative

4. SITE DESCRIPTION AND PROPOSAL

- 4.1. The applicant is seeking planning permission for the demolition of existing buildings on site and retention of the Victorian and Regency cottages, with the erection of three linked blocks of 4 to 10 storeys to provide 57 new residential units.
- 4.2. The scheme consists of:
- Block A is a 10 storey block with 32 private residential units;
 - Block B is a 4 storey residential apartment block with a total of 12 units comprising affordable rented (London affordable rent and Tower Hamlets living rent) and private accommodation;
 - Block C is a 4 storey tower block with 10 residential units;
 - The regency cottages which will be retained and converted into three private cottages;
 - 461m² of B1/D1 commercial space at ground level;
- 4.3. In relation to the 57 residential units, 13% of these would be affordable housing by habitable room. In dwelling numbers this will comprise 51 private units and 6 affordable rented units.
- 4.4. At ground floor level, the proposal would also contain, cycle parking, refuse provisions and plant.

Figure 1 (below): Proposed height, massing and land uses



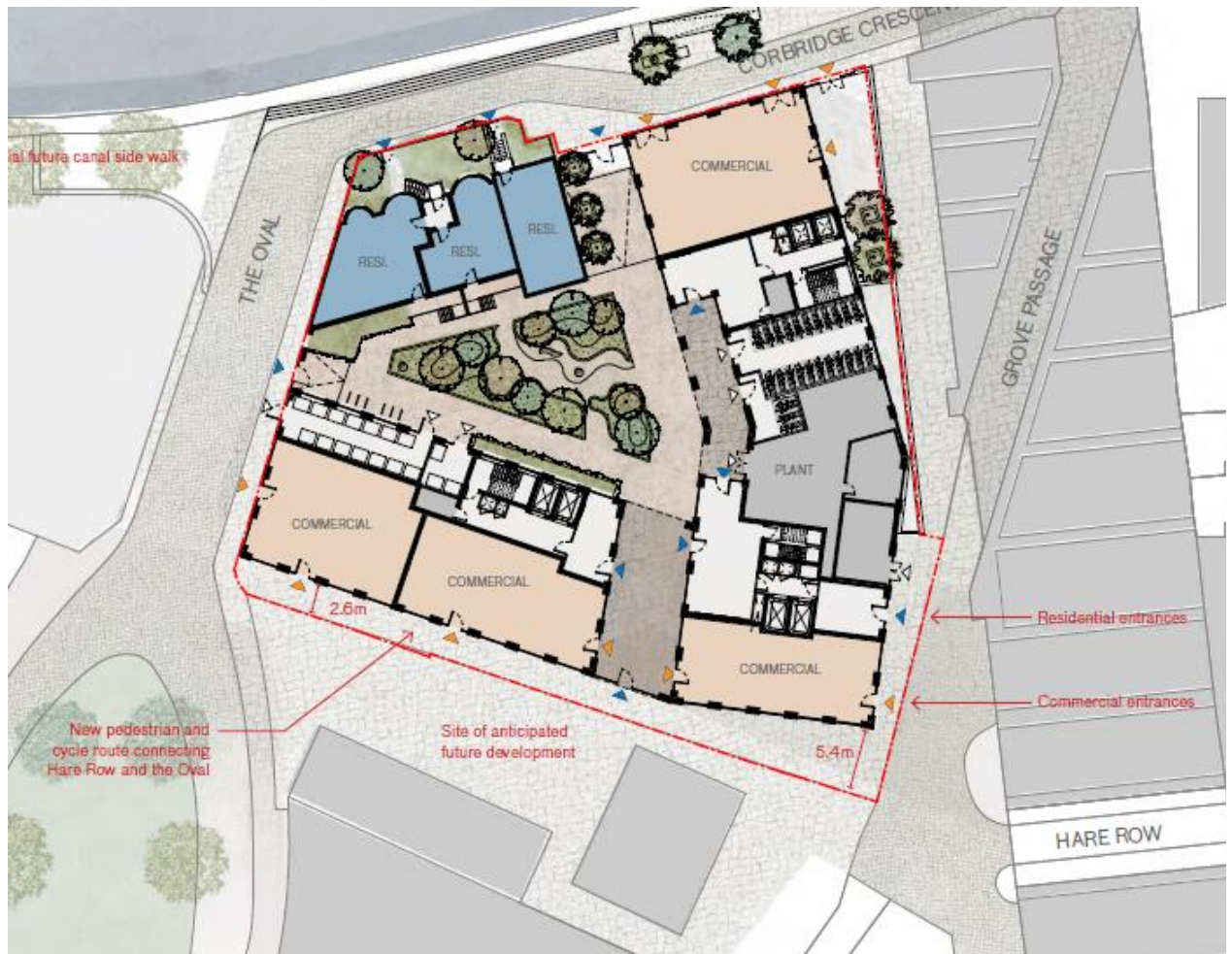


Figure 2(above): Proposed Ground Floor Plan

- 4.5. At ground floor level, the proposal contains four separate commercial units (B1/D1), cycle parking, refuse provisions, and plant.
- 4.6. There are three distinct blocks with communal amenity space provided within an internal courtyard and at roof level.
- 4.7. The buildings are consistent in terms of style and design and have uniform grids of glazing, with double order warehouse style windows with multiplane openings. The outer framework will be precast concrete panels which draw on elements of the warehouse vernacular.



Figure 3 (above): CGI of the proposed development viewed from Regent's Canal

5.0 Site and Surroundings

- 5.1 The site is located at the northern edge of the Borough, adjacent to the boundary with the London Borough of Hackney. The site measures 0.2 hectares in area and presently comprises the following elements:
- (1) A Regency cottage and a Victorian cottage at the north-west corner of the site. These are two storeys in height with a raised basement fronting onto Corbridge Crescent;
 - (2) A single storey brick built warehouse bounding the west side of the site;
 - (3) An open fronted coach storage building bounding the south side of the site;
 - (4) An open yard at the north-east corner of the site.
- 5.2 The site is currently in use by Empress Coaches as their depot and offices and includes occupied residential units within the Regency cottage, whilst the Victorian cottage is used as offices.
- 5.3 The site is located immediately to the south of the Regent's Canal and to the west of a Network Rail / London Overground railway viaduct. The site also lies a short distance to the east of the Marian Place Gas Works.



Figure 4 (above): View of the existing site from Regents Canal

- 5.4 The height and scale of surrounding buildings, which typically range between two and five storeys in height. The buildings within the immediate vicinity of the site are predominantly in commercial uses, whilst nearby buildings fronting onto Cambridge Heath Road and Hackney Road typically includes retail units at ground level with residential on the upper floors.
- 5.5 The site lies immediately adjacent to Grove Passage, which is an old pedestrian footway that bounds the eastern side of the site and provides a link between Hare Row and Corbridge Crescent and the canal. The footway is narrow and poorly lit and benefits from little natural or passive surveillance, running underneath the railway viaduct.
- 5.6 The surrounding public highway is constrained in terms of the limited width of the carriageway and footway on The Oval and Corbridge Crescent and the layout of the streets. In addition, Corbridge Crescent is closed to vehicular traffic at its north-eastern end, resulting in a 'dead end' street, with vehicles entering Corbridge Crescent having to turn around and exit southwards via The Oval. As such, there is no direct vehicular access from Corbridge Crescent to Cambridge Heath Road.
- 5.7 The Oval is a protected London Square which is a narrow ellipse in plan form. The Council are currently completing the reinstatement of The Oval.
- 5.8 The site lies to the north of the Cambridge Heath Neighbourhood Centre, the boundary of which includes a number of small scale retail units on both Hackney Road and Cambridge Heath Road and is centred around the intersection of these roads, together with the adjacent Cambridge Heath London Overground / National Rail Station
- 5.9 The site is within the Marian Place Gas Works and The Oval site allocation which designates the former gas works, the Oval and their surroundings for a comprehensive missed use development to provide a strategic housing development, a local park a heating facility (where possible) with other compatible uses including employment floor space.



Figure 5 (above): View of the existing historic cottages on site to be refurbished

6.0 Relevant Planning History

Application Site

6.1 PA/05/00663

On 15th January 2007 an application for planning permission was withdrawn by the applicant, which proposed: *'Construction buildings up to 11 storeys to provide 511sqm of commercial space on ground floor, 129 residential units and associated car parking.'*

6.2 PA/07/00107

On 9th December 2008 the Council finally disposed (under Article 25 of the then DMPO) of an application for planning permission, which proposed: *'Construction of new mixed use development comprising 568sq.m commercial floorspace on ground floor and 116 residential flats consisting (31 x 1, 61 x 2 beds, 12 x 3 beds and 8 x 4 beds).'*

6.3 PA/11/03561

On 15th December 2011 the LPA issued a Screening Opinion confirming that Environmental Impact Assessment was not required in respect of an application for a mixed use residential-led development comprising a frontage/perimeter block up to 6 storeys high and a point block set behind up to a maximum of 15 storeys, to provide approximately 100 dwellings, commercial floorspace for B1 and D2 uses, and private communal open space

6.4 PA/14/03219/A1

Demolition of existing buildings and erection of three linked blocks of 3 to 18 storeys comprising 90 dwellings, communal and private amenity space and 337m² of commercial floorspace (B1/D1). Appeal for non-determination – would have refused. Public Enquiry Appeal dismissed 20/06/2016. **APP/E5900/W/15/3130083**

PA/014/03220/A1

Demolition of existing single storey commercial buildings; retention, repair and or reinstatement and alterations of external facades of existing Regency and Victorian cottages and conversion to residential use involving internal alterations; erection of three linked blocks of 4, 5 and 16 storeys comprising 77 dwellings, provision of communal and private amenity space and 558m² of commercial floorspace (B1/D1). Appeal for non-determination – would have refused. Public Enquiry Appeal dismissed 20/06/2016. **APP/E5900/W/15/3130084**

6.5 PA/16/03773

Demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 8 storeys to provide 51 residential dwellings (Use Class C3), with associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1). Appeal received for Non Determination

Other relevant sites

6.6 *Peterley Business Centre, 472 Hackney Road*

PA/13/02722

Demolition of existing building and phased redevelopment of the site to provide a residential led mixed use development, comprising the facade retention and extension to the former Duke of Cambridge public house, erection of part 7 to 10 storey building on Clare Street and erection of part 4 to 12 storey building on Hackney Road/ Clare Street, all to provide 217 dwellings and 1521 sqm of commercial space falling within use classes A1, A2, A3, A4, B1, D1 and/or D2, plus disabled car parking spaces, cycles parking, refuse/recycling facilities and access together with landscaping including public realm, communal and private amenity space. Approved at Strategic Development Committee 31/03/2015

7 **POLICY FRAMEWORK**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

7.1.1 The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

7.2 **Government Planning Policy Guidance/Statements**

National Planning Policy Framework (March 2012) (NPPF)

National Planning Guidance Framework (March 2014) (NPPG)

7.3 **Spatial Development Strategy for Greater London - London Plan 2016 (MALP)**

Policies

- 2.1 London
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town centres
- 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
- 3.12 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
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 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
- 7.13 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
- 7.26 Blue Ribbon network and freight
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

7.4 **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking – Bethnal Green
- SP13 Planning Obligations

7.5 **Managing Development Document (adopted April 2013) (MDD)**

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM3 Delivery Homes
- DM4 Housing standards and amenity space
- 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
- 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

Site Allocation No.2: Marian Place Gas Works and the Oval

7.6 **Supplementary Planning Documents include**

Regent's Canal Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)

Hackney Road Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)

Victoria Park Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)

Planning Obligations SPD (September 2016)

CIL Charging Schedule (April 2015)

Sustainable Design and Construction SPG (April 2014)

Shaping Neighbourhoods: Character and Context (June 2014)

Housing Supplementary Planning Guidance (March 2016)

Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (March 2016)

Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

London View Management Framework SPG (March 2012)

London World Heritage Sites - Guidance on Settings SPG (March 2012)

SPG: Planning for Equality and Diversity in London (October 2007)

SPG: Accessible London: Achieving an Inclusive Environment (April 2004)

Affordable Housing and Viability Supplementary Planning Guidance (Draft 2016)

City Fringe / Tech City Opportunity Area Framework adopted by the Mayor of London on 31 December 2015

7.7 **Other Material Considerations**

EH Guidance on Tall Buildings

Seeing History in the View

Conservation Principles and Practice

8 **CONSULTATION RESPONSE**

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

8.2 The following were consulted regarding the application:

Internal Responses

LBTH Environmental Health - Contaminated Land

8.3 Environmental Health Contaminated Land has reviewed the submitted information and considers there is a possibility for contaminated land to exist. A condition is recommended to ensure any contaminated land is appropriately dealt with. The suggested condition would be secured should planning permission be granted.

LBTH Environmental Health - Air Quality

8.4 The Air quality officer is satisfied with the information provided.

- 8.5 The Air Quality Assessment shows that the development will not have a significant impact on air quality and that it meets the Air Quality Neutral requirements. The Air Quality Assessment is accepted.
- 8.6 The energy plant has yet to be decided upon. It must comply with the NOx emissions standards as set out in the GLA*s Sustainable Design and Construction SPG.
- 8.7 All construction Non Road Mobile Machinery must also comply with the missions standards as set out in the GLA's Sustainable Design and Construction SPG

LBTH Sustainability

- 8.8 The amended energy strategies are acceptable given the size of the scheme, subject to conditions requiring as built energy strategy to ensure the energy efficiency measures and renewable energy technologies are delivered as proposed. A carbon offset payment should be secured via section 106.

LBTH Environmental Health – Noise and Vibration

- 8.9 No response

LBTH Refuse

- 8.10 Insufficient details have been provided, a full waste strategy should be provided.

LBTH Highways

- 8.11 There are some further details to be provided but in principle there are no objections to the application.
- 8.12 Provision of no – onsite car parking is acceptable and subject to section 106 agreement. However alterations to existing on street parking to provide 3 new Blue badge bays are proposed and require a bond for this element of the work.
- 8.13 Cycle parking numbers are acceptable; however the application does not specify the type of stands proposed. Further details can be conditioned.
- 8.14 A turning head will be provided on Corbridge Crescent to allow goods and refuse vehicles servicing the site to reverse back into the oval.

Occupational Therapist (OT)

- 8.15 Recommended condition to secure detailed layouts of wheelchair accessible units (Plans at 1:50)

LBTH Arboricultural Officer

- 8.16 The Arboricultural officer agrees with the assessment and categorisation of the trees as per the Tree survey contained within the Arboricultural Report. It is considered that the removal of the two low value trees will have minimal amenity and landscape impact. A condition is recommended requiring a detailed planting scheme.

LBTH Biodiversity Officer

- 8.17 The existing site has limited ecological value and the recommended enhancements would contribute to targets in the current Local Biodiversity Action Plan. The potential for loss of nesting habitat would be a very minor adverse impact on biodiversity, which can be mitigated within the new development. The clearance and demolition should be undertaken outside the nesting season and a condition is recommended. The submitted bat emergence survey identifies there are no bats roosting within the building, however are found foraging along the canal and lighting needs to be carefully considered.

Sustainable Urban Drainage (SUDS) officer

- 8.18 No response

External responses

Canal and Rivers Trust (CaRT)

- 8.19 The trust welcomes regeneration of this site, which will bring further activity to the area and improve its appearance and the setting of the canalside.
- 8.20 The development acknowledges that it will create shadowing effects to the Canal, and may result in the inability of boats that are moored to generate electricity. In addition, this may affect biodiversity within the canal and as such contributions are required in order to mitigate these effects.

Historic England

- 8.21 Historic England previously commented on a similar pair of applications for work on this site in our letter of 24 December 2014.
- 8.22 The current application includes the retention and repair of the historic cottages which will sustain and enhance the significance of buildings which make a positive contribution to the area. The loss of the other buildings on site represents a modest degree of harm to the character and appearance of the area, as these are recognisable pieces of the character of the place.
- 8.23 The introduction of a block of 10 storeys or more is also harmful in significantly increasing the scale of development which is established in the appeal comments as 4-6 storeys.
- 8.24 Historic England has some concerns regarding the justification of the 10 storey block and would suggest that through negotiation opportunities for a further reduction in height should be considered. If further amendments are made to the design please consult us further. Should the application proceed unaltered we urge your council to consider the matters raised above, and to determine the application in accordance with national legislation and policy, and on the basis of your own specialist conservation advice.

Secure By Design

- 8.25 No objection to the scheme proceeding as outlined. SBD would recommend that the scheme should by means of a condition achieve Secured by Design

accreditation which would be formally acknowledged upon a final inspection once all works are complete.

- 8.26 The reason for this is to reinforce the committed approach and interest in the long term sustainability of both security and crime prevention measures throughout the development for the benefits of all future residents.

Thames Water Utilities Ltd.

- 8.27 Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As the site is closer to a natural water course we expect all surface water to be discharged into the river.

- 8.28 Thames Water has recommended an informative advising of the minimum pressure for water that they would be able to supply for future residents.

Conditions recommended securing the following:

- Details of any impact piling
- A site draining strategy

Informatives to be added:

- Groundwater Risk Management Permit is required

London Fire and Emergency Planning Authority

- 8.29 Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation, however they do appear adequate. In other respects this proposal should conform to the requirements of part B5 of Approved Document B.

Greater London Authority/ Transport for London

- 8.30 The Mayor considered the application at Stage 1 on 20th March 2017.
- **Principle of development:** a mixed use residential-led development with commercial/employment and housing uses in the City Fringe Opportunity Area is in accordance with strategic and local objectives and is supported. Further information is required on the employment offer.
 - **Housing:** 11.1% affordable housing for the 10 storey proposal is proposed. This is unacceptable. GLA officers will robustly interrogate the viability with the Council and the applicant to ensure that the maximum reasonable amount of affordable housing is delivered.
 - **Urban design and heritage:** the retention of the heritage asset in line with London Plan Policy 7.8 is welcome. The propose schemes are well design and respond sensitively to the context.
 - **Inclusive design:** Provisions should be made to secure inclusive design matters through the legal agreement and/or planning conditions.
 - **Noise/air quality:** Provisions to address any identified issues will need to be secured by planning condition

- **Sustainable development;** the strategy is generally supported however further information to verify the savings claimed including nearby district heating opportunities is required.
- **Transport:** subject to planning conditions and obligations securing CPZ exemptions, cycle parking design and taxi rank contributions, in addition to travel, construction logistics and delivery and servicing plans, the development is considered to be in general accordance with the transport policies of the London Plan.

8.31 Other comments from the GLA

- **Housing Mix** Given that family housing has been prioritised within the affordable element, in accordance with strategic policy, the mix is acceptable.
- **Density** The application includes the provision of public realm and high quality residential units; however, there are strategic concerns relating to layout and public realm quality that need to be resolved before the density of the development can be considered acceptable.
- **Housing Quality and Design** The residential flats comply with the London Plan and national standards.
- **Child Play Space** The quantum will comply with the benchmarks in the Mayor's SPG and is supported but the applicant should demonstrate that the roof terraces are fully useable. The applicant should enter into a management plan (secured through the s106) to ensure the internal spaces are safeguarded for residents of the scheme.

Further comments received by the GLA in relation to the viability, requests that given the potential for significant changes in values and costs, the scheme should be subject to pre-implementation and advanced stage viability reviews in line with the Mayor's guidance.

8.32 No comments received from the following consultees:

- London Borough of Hackney
- National Grid
- Georgian Group
- The Victorian Society

9 LOCAL REPRESENTATION

9.1.1 A total of 190 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site by way of a site notice and advertised in the local press.

9.2 One letter of representation were received on the submission in relation

- Privacy/overlooking and daylight and sunlight effects to those properties within the Cobolt building located on Hare Row (507-513 Cambridge Heath Road) on opposite side of railway line.

10 MATERIAL PLANNING CONSIDERATIONS

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

- Previous planning appeal decision
- Land Use
- Density / Quantum of Development
- Design
- Housing
- Amenity Space and Public Open Space
- Neighbouring Amenity
- Highways and Transportation
- Waste
- Energy and Sustainability
- Environmental Considerations (biodiversity, noise and vibration, air quality, microclimate, contaminated land, flood risk,
- Impact on Local Infrastructure and facilities, Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

10.2 Appeal decision (APP/E5900/W/15/3130083 and APP/E5900/W/15/3130084)

10.2.1 As set out above, the previous two applications for the redevelopment of the site (reference PA/14/03219 and PA/14/03220) were subject to appeals for non-determination that were dealt with by way of Public Inquiry, with the appeals being dismissed by the Planning Inspector 20th June 2016.

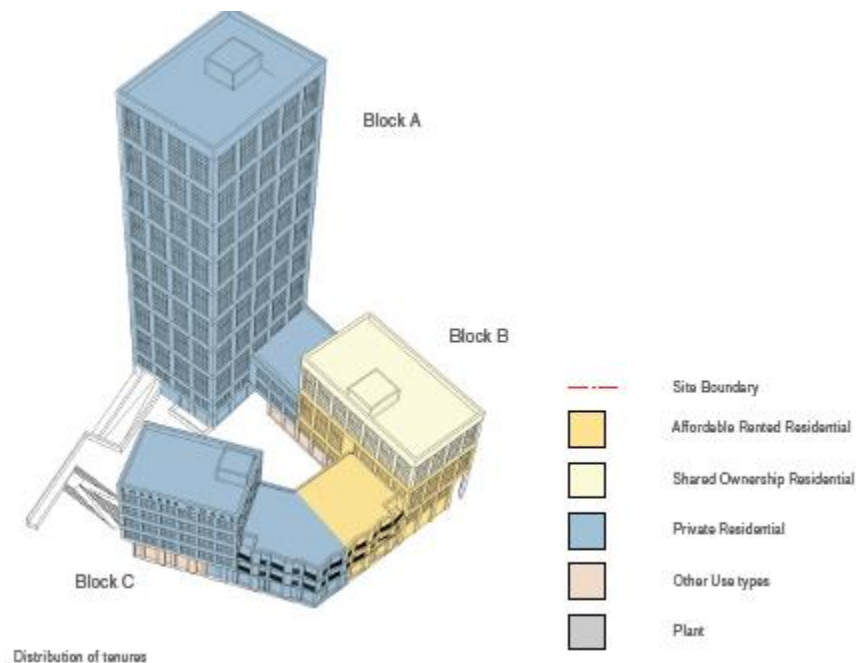


Figure 1 (above) showing massing and residential component of the scheme and removal of the cottages which was dismissed at Appeal

10.2.2 The case submitted on behalf of the Council considered that both applications (PA/14/03219 and PA/140320) would have been refused had the local planning authority been able to determine the applications. The Council stated the following reasons for refusal

1. Excessive scale and height of Block A within its local context would neither be proportionate to the location outside of the town centre hierarchy nor sensitive to the context, significantly intrudes into the skyline. Would cause less than substantial harm which would not be outweighed by the public benefits
2. Due to excessive scale height and massing it is contrary to objectives and design principles of the Marian place gas works and The Oval Site allocation and would prejudice proper planning of the area.
3. Proposal fails to maximise affordable housing provision
4. The demolition of the regency cottages would cause less than substantial harm to the Conservation Area which would not be outweighed by the public benefits of the scheme.

10.2.3 Prior to the Inquiry the Council and appellant agreed a viability position and this was withdrawn as a reason for refusal. The agreed position was

- i. Scheme 1 (18 storeys, (90) units, removal of cottages) – 26.8% of habitable rooms (equating to 21 units)
- ii. Scheme 2 (16 storeys, 77 units retention of cottages) 24.3% of habitable rooms (equating to 16 units).

10.2.4 In addition, the viability consultants were requested as part of the appeal to sensitivity test several different height options for Block A. The review found that with the agreed inputs, the proposed heights could provide the following.

- i. 8 storeys – 5%
- ii. 10 Storeys – 12%
- iii. 12 Storeys – 18%

10.2.5 The Inspector identified two main issues with the proposals, which were not overcome by the benefits of either scheme. The first issue was the height of the tallest building (referred to as Block A) and the impact that this would have on the character and appearance of the Regents Canal and Hackney Road Conservation Areas, surrounding townscape. The second issue was the demolition of the Regency and Victoria Cottages and the harm that this would cause to the Regent's Canal Conservation Area.

10.2.6 In the Appeal decision, which is provided as Appendix B, the inspector noted a number of positive aspects of both previous schemes, stating that the proposal "*bears the hallmark of a well-designed mixed use development*" with positive aspects including;

- The provision of active frontages at ground level;
- The provision of canal fronting open space;
- The creation of opportunities to improve connections locally
- The massing, heights and configurations of the buildings fronting the canal and the Oval relating well to the scale and urban grain of the Conservation Area;
- The height variation and differing orientation of the blocks creating the impression of a cluster, thus avoiding a monolithic appearance to the group;

- The robust warehouse aesthetics, simple massing and limited palette of materials and colours complimenting the area's industrial vernacular;
- The retention of the cottages providing a good historicist solution to developing the site;
- The composition, scale and architecture of Blocks B and C complementing the domestic scaling and style of the cottages;

10.2.7 The Inspector acknowledged that in both instances the harm that would be caused to the Regent's Canal Conservation area would be categorise as 'less than substantial' and that Paragraph 134 of the NPPF was applicable, with this harm needing to be weighed against the public benefits of the proposals. In undertaking this balancing exercise, the inspector found that this harm was not outweighed by the public benefits that would be brought by the proposals.

10.2.8 It is important to note that the Inspector was satisfied that the proposals would not fetter redevelopment of adjacent plots (paragraph 48) or physically impede or prejudice the redevelopment of the remaining parts of Site Allocation 2 (paragraph 49).

10.3 Land use

General Principles

10.3.1 At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.

10.3.2 The scheme proposes a residential lead scheme with commercial units (D1 or B1) at the ground floor levels.

10.3.3 The site is located within LAP 1 & 2 for Bethnal Green which outlines the vision for the area includes development regeneration which will respect and reinforce the historical layout of Bethnal Green's spaces and buildings. The Bethnal Green vision in the adopted local plan (Figure 45) details the area around the oval to be specifically utilised a regeneration of underused sites. With opportunities for growth to be delivered by a number of industrial areas being redeveloped for residential.

10.3.4 The application site forms part of the Managing Development Document (2013) site allocation 2 'Marian Place Gas Works and The Oval'. The site allocation envisages a comprehensive mixed-use development with a local park, district heating facility (where possible) and a number of new pedestrian/cycle connections.

10.3.5 The site forms part of the City Fringe / Tech City Opportunity Area Framework adopted by the Mayor of London on 31 December 2015. The OAPF identifies the site as part of the Outer Core Growth Area where a significant amount of employment floorspace is expected as part of mixed use schemes.

- 10.3.6 The Inspector discussed the provision of one site within the larger site allocation and considered there to be 'no planning or physical reason to prevent the appeal site being redeveloped in the absence of a bespoke masterplan. The schemes are capable of implementation without compromising delivery of the key elements of the allocation'.
- 10.3.7 Given the pending decommissioning of the Gas Works, a number of meanwhile uses have been given temporary permission. This includes the B1 containers at 5-10 Corbridge Crescent and 499-505 Hackney Road. As these uses are temporary they would not prejudice the delivery of the site allocation.

Loss of employment and proposed B1/D1

- 10.3.8 Managing Development Document Policy (DM15) (Local job creation and investment) paragraph 1 states 'the upgrading and redevelopment of employment sites outside of spatial policy areas will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition'.
- 10.3.9 The existing site operates as a coach works. This coach yard is ancillary to the main coach yards Empress have outside of London, where most of their employees work from. The site is therefore more of a satellite yard area for occasional parking of smaller coaches (access is difficult). The site therefore only employs a maximum of 5 people FTE. The proposed ground floor commercial floorspace comprises 461 sqm. Using the industry standard of 1 FTE job per 15 sqm of commercial floorspace, the proposed commercial units would deliver approximately 30 FTE jobs through redevelopment of the site. This represents an increase of 25 FTE jobs. More importantly, it will deliver the type of employment floorspace that is in demand in the area, suitable to the location and appropriate to the emerging character of the strategic site allocation.
- 10.3.10 As noted previously, the site forms part of the Marian Place Gas works and the Oval site allocation. The applicant has not provided suitable replacement accommodation for the existing business to be displaced. The supporting text to policy DM15(1) contained in paragraph 15.4 states that a specific approach is required to help deliver site allocations and their component strategic infrastructure uses. The supporting text states that DM15(1) does not apply to sites located within site allocations. Given the site's designation within the Marian Place Gas works site allocation, policy DM15(1) does not apply in this instance. It is also noted that the site is not identified as a strategic or local employment site which would need to be retained.
- 10.3.11 The loss of the existing employment uses is therefore considered to be generally acceptable in this instance due to the site's location within the site allocation, the introduction of commercial uses (and associated active frontages) at ground floor and the location within the City Fringe / Tech City Opportunity Area. In addition, there will be a small level of employment generated from the proposed commercial units.
- 10.3.12 The proposal would provide for 461sqm of either B1 (office) or D1 (Non-residential institutions) with unit sizes ranging between 95sqm and 132sqm in size

which could provide flexible spaces for small and medium enterprises. The provision of flexible employment floorspace suitable for SMEs accords with the objectives for the Outer Core area of the City Fringe Opportunity Area.

- 10.3.13 The D1 use class covers a range of uses including health centres, crèches, schools, art galleries, halls and places of worship. It is therefore considered necessary to incorporate a condition to restrict the hours of operation of these units. In addition, a condition will be attached requiring the acoustic details between the residential and commercial uses to ensure there is no conflict between the uses and to protect residential amenity.
- 10.3.14 While there is a loss of the coach parking the change of use is considered acceptable in land use terms given the highly accessible underutilised site, which would not result in the loss of an active and viable employment use. The proposed use would also be complementary to the intention of the site allocation.

Residential development

- 10.3.15 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” and “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.”
- 10.3.16 London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) states the Mayor is seeking the maximum provision of additional housing in London.
- 10.3.17 Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931 units whilst the housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025.
- 10.3.18 The proposed development would provide 57 residential units as part of a mixed use scheme. The introduction of a residential development on site is considered acceptable in principle, subject to the assessment of the relevant planning considerations discussed later in this report.

Density / Quantum of Development

- 10.3.19 Policies 3.4 of the London Plan (MALP 2016) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels (PTAL) and the wider accessibility of the immediate location. The London Plan (policy 3.4 and table 3.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on ‘setting’ and public transport accessibility as measured by TfL’s PTAL rating.
- 10.3.20 London Plan policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment. The London Plan Housing SPG (2008) also states that sufficient flexibility for such higher density schemes to be

supported and as such, the density matrix whilst detailed in the London Plan, is to be applied flexibly.

- 10.3.21 For the application site, the London Plan would suggest that a density of 70-260 units per ha, or 200-700 habitable rooms per hectare, is appropriate. The net site area for the purpose of density calculations is 0.2046ha. The proposed scheme proposes 57 residential units, resulting in a density of 885 habitable rooms per hectare (hr/ha), after taking into account the proportion of vertically mixed-non-residential floor space. It is noted that the applicant has provided a different density calculation of 780 (hr/ha) and has not netted of the proposed commercial space. However, for the purposes of this assessment the Council will consider officer's calculations.
- 10.3.22 While the proposal does not accord with the density range of the London Plan numerically in terms of units per hectare, but an interrogation of this scheme against the standards in the London Plan Housing SPG set out in the following sections of this report indicates that the proposed development would:
- Preserves the setting of the Regents Canal Conservation Area when viewed from within and surrounding the conservation area;
 - The development would not result in excessive loss of sunlight or daylight for neighbouring homes and the new flats would have good access to daylight and sunlight;
 - the development provides a good mix of unit sizes within the scheme while maximising the amount of dual aspect units and outlook;
 - the development is 'car-free' owing to the site's excellent accessibility to public transport with 2 accessible on-street car parking spaces provided. The development would not cause unacceptable traffic generation;
 - The proposed development is liable for the Mayoral and Tower Hamlets Community Infrastructure Levy, which will ensure the development contributes appropriately to the improvements to local social and physical infrastructure
 - The materiality and design is considered to be of high quality, would develop an underutilised site in a conservation area and retains the cottages which positively contribute to the character of the area.
- 10.3.23 An interrogation of this proposal against these standards in the London Plan Housing SPG is set out in the following sections of this report.

Health and Safety Executive Consultation Zones

- 10.3.24 The Sevesco II Directive requires Member States (of the European Union) to introduce controls on establishments where dangerous substances are present above certain quantities. The aim of the directive is to prevent major accidents which involve dangerous substances and to limit their consequences for man and the environment.
- 10.3.25 Within England and Wales, the enforcement regulations of the Sevesco II directive is the Control of Major Accident Hazards Regulations (1999)
- 10.3.26 Within Planning this is covered by the Planning (Hazardous Substances) Act 1990. This act provides the mechanism for creating and revoking Hazardous Substance Consent (HSC) which are issued to site which contain dangerous substances.

10.3.27 The application site is located within the inner zone of the Health and Safety Executive Consultation Zone on account of the sites proximity to the Bethnal Green Gas Holder Station. At its closest point the site lies 65m away from the Gas Holder Station which lies to the west of the site.

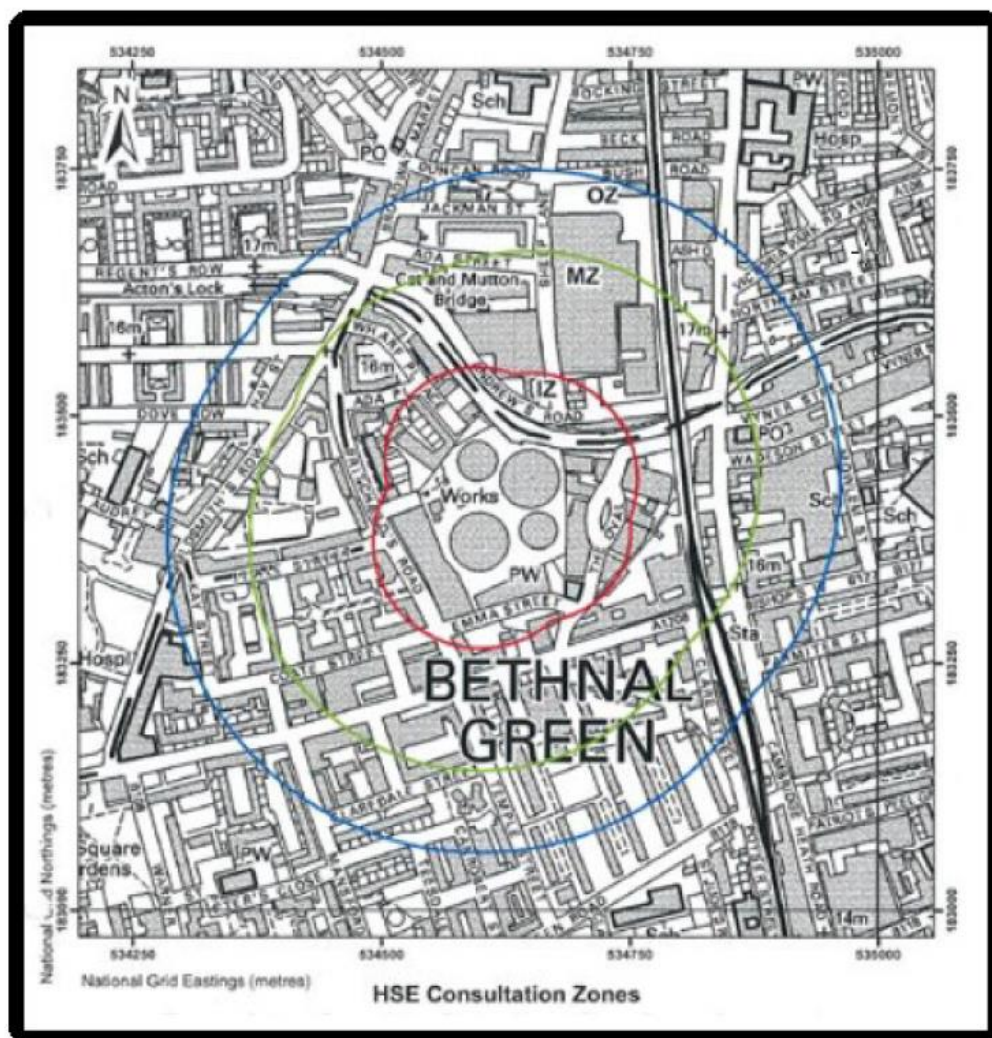


Figure 7 (above): HSE Health and Safety Executive Consultation Zones

10.3.28 Planning Circular 04/2000 was cancelled in March 2014 and replaced by the Hazardous Substances section (HS) of the Planning Practice Guidance (PPG) web-based resource. Generally the planning guidance on development in the vicinity of major accident hazards is similar that contained in Planning Circular 04/2000 (e.g. HS PPG paragraphs 01 - 03 and 065 - 078). However, the guidance now includes the local authority's responsibility (as Hazardous Substances Authority) to monitor the status of sites with hazardous substances consent to identify any consents that may have become redundant (e.g. paragraphs 066, 067, 073 and 074). Specifically (paragraph 074) guides that 'Hazardous Substances Authorities should be proactive about revoking consents that no are no longer required.'

10.3.29 The PPG (paragraph 71) advises that the 'HSE's role is an advisory one. It has no power to direct refusal of planning permission or of hazardous substances consent. Where HSE advises that there are health and safety grounds for refusing, or

imposing conditions on, an application, it will, on request, explain to the local planning or hazardous substances authority the reasons for their advice. Where that advice is material to any subsequent appeal, it is prepared to provide expert evidence at any local inquiry.'

- 10.3.30 More importantly, the PPG (paragraph 71) advises that *'In view of their acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from HSE that planning permission should be refused for development for, at or near to a hazardous installation or pipeline, or that hazardous substances consent should be refused, should not be overridden without the most careful consideration.'*
- 10.3.31 In relation to the Councils development plan, policy 5.22 of the London Plan and policy DM30 of the Management Development Document are relevant
- 10.3.32 Policy 5.22 of the London Plan requires site specific circumstances and proposed mitigation measures be taken into account when applying the Health and Safety Executive's Planning Advice Developments near Hazardous Installations (PADHI) methodology. Furthermore, the policy states the risks should be balanced with the benefits of development and should take account of existing patterns of development.
- 10.3.33 Policy DM30(2) of the Managing Development Document (2014) states that development will not be supported which involves the storage or use of hazardous substances or new developments in close proximity to hazardous installations where it would cause a significant hazard to health and the environment.
- 10.3.34 The accompanying text at paragraph 30.4 states, *'In combination with advice provided by the Health and Safety Executive, consideration will also be given to site specific circumstances and any proposed mitigation measures. If the HSE advise against development, planning permission will only be granted in circumstances where it can be demonstrated that the benefits that would be brought by the proposed development would significantly outweigh the potential risks to health and the local environment'*.
- 10.3.35 Whilst the Bethnal Green Gas Holders are currently in a decommissioned state, the site still holds its Hazardous Substances Consent. Essentially, this means that they could potentially be used to store gas again in the future.
- 10.3.36 Applications close to gasholder sites are run through a computer programme called PADHI+ (Planning Advice for Developments near Hazardous Installations) developed by the Health and Safety Executive. PADHI+ is able to give local planning authorities advice on proposed developments near hazardous installations.
- 10.3.37 PADHI+ uses two inputs to a decision matrix to generate the response, the zone in which the development is located out of three zones and the 'sensitivity level' of the proposed development. The matrix will generate either an 'Advise Against' or 'Do not Advise Against' response.
- 10.3.38 The application site (orange boundary to the south east). The site is located predominantly within the outer zone with part of the site within the middle zone
- 10.3.39 Owing to the sites location within both the middle and outer zones, the PADHI+ matrix has generated a response 'Advise Against', which confirms there are

sufficient health and safety grounds for the HSE to advise against the granting of planning permission.

- 10.3.40 However after further consideration, the HSE has advised that it would be prepared to withdraw its Advise Against the granting of planning permission if a condition is attached to the permission preventing occupation of the development until the Hazardous Substances Consent has been removed
- 10.3.41 In order to prevent the developer from commencing the elements of the scheme falling within the Middle Zone, a Grampian condition would be attached to the planning permission. Officers consider that rather than preventing occupation of, the condition should go further and prevent commencement of works in order to avoid the possibility of a large building lying vacant on site for a protracted length of time.
- 10.3.42 In considering these matters, officers have had regard to the likelihood of the Gas Holders being reactivated in the future.
- 10.3.43 The number of gas holders has fallen significantly since the advent of North Sea Gas and gas holders throughout the UK are being phased out. A National Grid consultation on their proposed Business Plan for 2013-2021 indicates that they will seek to decommission all their gasholders by 2021.
- 10.3.44 The Bethnal Green Gas Holders site is a site allocation within the Managing Development Document (2013), which recognises the decommissioned state of the gas holders, the high probability of the Hazardous Substances Consent being revoked and the consequent low probability of the Gas Holders being reactivated. Officers therefore consider that the presence of the hazard and increased risk arising from additional population can be considered to be "time limited".
- 10.3.45 To conclude, taking into account the likely time limited presence of the Hazardous Substances Consent and the lower degree of risk within the Outer Zone it is considered that subject to a condition preventing commencement the proposed development is considered to mitigate the hazard to the health and environment, in accordance with Policy DM30(2) of the MDD (2013), which states development will not be supported which cause a significant hazard to health and the environment.

10.4 Design

Policies

- 10.4.1 Statutory tests for the assessment of planning applications affecting listed buildings or conservation areas are found in Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which states that "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".
- 10.4.2 The implementation of this legislation has been addressed in recent Court of Appeal and High Court Judgements concerning the proper approach for assessing impacts on listed buildings and conservation areas. These are considered in more detail below however, the emphasis for decision makers is that in balancing benefits and impacts of a proposal, the preservation of the heritage assets should be given "*special regard / attention*" and therefore considerable weight and importance.

- 10.4.3 The NPPF is the key policy document at national level, relevant to the formation of local plans and to the assessment of individual planning applications. The parts of this document relevant to 'Heritage, Design and Appearance' are Chapter 7 '*Requiring good design*' and Chapter 12 '*Conserving and Enhancing the Historic Environment.*'
- 10.4.4 Paragraph 126 of the NPPF states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment made by the historic environment to the character of a place.
- 10.4.5 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 10.4.6 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek 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. Policy DM26 requires that building heights are considered in accordance with the town centre hierarchy.
- 10.4.7 The appeal decision notes that within this area the 'industrial legacy of the conservation area is well represented and most legible in these extended sections. The presence of the two older gas holders dating from 1865/66 and 1888/89), the surviving structures of the appeal site (currently used as a coach servicing depot) and the hard-wearing materials present in the streetscape evoke a distinct sense of the canal's industrial past. Warehouses alongside the canal (some neglected, others in use for residential or commercial purposes) continue the industrial theme. By contrast, the cottages on the appeal site, as well as the shape of The Oval, provide a glimpse into the brief period of domesticity adjacent to the canal before intensive industrialisation.'
- 10.4.8 The overall design concept was viewed as well considered by the Inspector, who stated that '*The scheme bears the hallmark of a well-designed mixed use development. Active frontages at ground level, a canal-fronting generous area of public open space and the opportunities the scheme would bring to improve connections locally represent sound urban design principles. The open space in particular would be a welcome feature on the southern side of the canal where at present there is nothing to engage passers-by en-route to The Oval*' (paragraph 23). The scheme before Members differs only in that the height of the main tower has been reduced and is considered in detail below.

Bulk scale and Massing

- 10.4.9 While the Inspector commended the design and the ‘architectural vernacular drawn from the canal’s industrial character may be suited to the form and height of Blocks B and C. The style however was considered inappropriate for a building extending to 16 or 18 storeys. The architecture would only serve to emphasise the bulk and verticality of Block A as well as compound its disproportionate height (Paragraph 32).
- 10.4.10 The current proposal largely replicates the appeal scheme with a discernible reduction of 8 storeys from 18 to 10. The ten storey scheme is still taller than the ambient height of the area, and Officers considered it to cause less than substantial harm to the Regents Canal Conservation Area particularly when viewed from the towpath and where it is directly compared with the gasholders, albeit the magnitude of harm is significantly reduced compared to the previous 18 storey proposal. On balance, the harm is considered acceptable when the other benefits of the proposed development are taken into account. This is considered in more detail below.
- 10.4.11 The application is accompanied by a verified views and Townscape appraisal. This analysis demonstrates that the reduction in height of Block A to 10 storeys results in a development that sits more comfortably within the context of the surrounding built form and public realm in local views. The intrusion into the skyline in key local views within and into the Regents Canal Conservation Area due to the form, proportion, composition and scale of the reduced building is minor but clearly perceptible.
- 10.4.12 It is officer’s opinion that the application would involve the development of a tall building on this site. The Tall Buildings – Historic England Advice Note 4 (2015) states that “*What might be considered a tall building will vary according to the nature of the local area*”. A Planning Policy Explanatory Note was agreed by the Mayor in Cabinet on 19th September 2017 which seeks to reiterate the borough’s approach to tall buildings through its existing Local Plan. The Note also seeks to define a tall building in Tower Hamlets, and confirms that “*The definition of a “Tall Building” in the Borough will therefore depend on its location and the predominant height of buildings in the local context*”. This definition allows for the fact that areas of different character within the borough have different sensitivities and that a five storey building in a two-storey context is equally as prominent as a much taller building in a more built up context. Mid-Rise buildings are those that are considered to be tall in the context of relatively low-rise development but that in absolute terms are in the region of 6-9 storeys.
- 10.4.13 Of more importance and relevance therefore, is policy DM26 which addresses “building heights”. Whilst policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights, it is important to note that normally the criteria for tall buildings are meant to be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres (figure 9 of DM26).
- 10.4.14 However, this application site is not in a town centre. It enjoys a relatively prominent location when viewed from the canal and within a conservation area. The Council’s approach would therefore be to assess this case based on Part 2 of policy DM26 (quoted at paragraph 9.34). Policy DM26.2 includes criteria a-l, which provides a more detailed checklist of requirements that new development for Tall Buildings need to satisfied. Criterion a) is particularly noteworthy and states that new

developments should be *“Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings”*. On the whole, the purpose of this policy is to ensure all planning applications for “Tall Buildings” are sustainable in terms of location, design and function and that they help contribute to the overall vision for Tower Hamlets that is set out in the Local Plan.

10.4.15 Policy DM26 is further supported by policy 7.7 of the London Plan which states that applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy which meets the following criteria:

- *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;*
- *Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;*
- *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;*
- *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;*
- *Incorporate the highest standards of architecture and material, including sustainable design and construction practices;*
- *Have ground floor activities that provide a positive relationship to the surrounding streets;*
- *Contribute to improving the permeability of the site and wider area, where possible;*
- *Incorporate publicly accessible areas on the upper floors, where appropriate;*
- *Make a significant contribution to local regeneration.*

10.4.16 The appeal schemes at 16 and 18 storeys were considered to meet the definition of a ‘tall building’. Officers consider at 10 storeys the proposal is taller than the predominant height of buildings within the local context and therefore is defined as a tall building. At the height of ten stories the building would be more appropriate in terms of form, proportion, composition, scale and character of the surrounding urban grain and would not be considered such a stark transition in character as the appeal scheme. The transition between the scales would be further mitigated by the buildings positioning on site, away from the canal and the oval and adjacent to the railway line at rear of the site. In addition, the elevational treatment is well considered and incorporates a high level of architectural design. Therefore while the building is a tall building in its context, it is not considered to overwhelm the surrounding area or the Regents Canal Conservation Area.

10.4.17 While it is identified that there is some harm, it is considered to be less than substantial, in accordance with paragraph 134 of the NPPF and must be balanced against the public benefits of the scheme. Firstly, there are heritage benefits arising from the redevelopment of this site in terms the reuse and refurbishment of the regency cottages which make a positive contribution to the conservation area, and also the redevelopment of the site more widely to improve its standing and appearance within a part of the conservation area in need of regeneration. Other public benefits include the provision of additional employment space and

associated jobs, as well as new homes including an element of affordable housing, and permeability/ public realm improvements.

Retention of the Cottages

- 10.4.18 The appeal decision notes that the cottages are an important reminder of a fleeting period in the canal's history, while being in an advanced state of decline the buildings are capable of being refurbished to provide good quality residential accommodation. Even in an advanced state of neglect, the original scale, forms and layout are largely intact; the two storey bow windows are of particular interest for their reference to elegant domesticity. The physical state of the buildings gives a poor impression in the canal side scenery. But, as one of the few surviving elements of a wider and much fragmented development at The Oval, the Regency cottage is an important part of the area's history.
- 10.4.19 The proposal retains and upgrades both the Victorian and Regency cottages. As above the inspector notes that the loss would cause harm to the Regents Canal Conservation Area and as such the retention and upgrade of the cottages, bringing them back into use is a benefit of the scheme.
- 10.4.20 There is limited detailing on the extent to the proposed internal and external works and materials to the cottages and as the inspector notes the evidence points to the need for extensive rebuild or replacement of historic fabric to bring the buildings to a good standard of repair. As such a condition will be attached requiring a schedule of works, detailing the extent of any demolition, removal and the proposed new materials, manufacturer's details and sections and details.

Layout and public realm

- 10.4.21 The proposal will also create a new public pedestrian route along the southern boundary of the site (from oval to hare row), this is a positive planning gain of the scheme and will be secured via legal agreement.

Summary

- 10.4.22 The appeal inspector stated that they did not consider retention of the cottages and achieving a development of a height respectful to context are not mutually exclusive objectives. Both are desirable outcomes in heritage terms and one should not be traded off against the other. It is considered in this proposal the marked reduction in height to 10 Storeys and the retention of the cottages which make a positive contribution to the conservation area are appropriately balanced against each other in this context.

Secure by Design

- 10.4.23 Policy 7.3 of the LP and policy DM23 of the MDD seek to ensure that developments are safe and secure.
- 10.4.24 The proposed development has been assessed by the Crime Prevention Officer who has provided a number of suggestions to the previous scheme in order to remove areas of concern for secure by design elements. A Condition would therefore be attached to any approval, to ensure that the development will seek to achieve the Secure by Design Accreditation.

Inclusive Design

- 10.4.25 Policy 7.2 of the London Plan (MALP 2016), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 10.4.26 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'.
- 10.4.27 The applicant has proposed further inclusive design measures including the two accessible parking bays on street, and level access to the commercial units and within the internal amenity spaces. The majority of the residential units will be wheelchair accessible (90%) to meet building Code requirement M4(2) with the other 10% of units designed to meet M4(3) Wheelchair user dwellings. The proposed accessible unit within the affordable provision located on the first floor with access to two lifts and the parking space.

10.5 Housing

- 10.5.1 The application proposes 57 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan 2016 (MALP) is 3,931.
- 10.5.2 Policy 3.3 of the London Plan seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 10.5.3 The quantum of housing proposed will assist in increasing London's supply of housing and meeting the Council's housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

Affordable Housing

- 10.5.4 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides 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 which can be expressed in absolute terms or as a percentage.
- 10.5.6 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites, having regard to:
- Current and future requirements for affordable housing at local and regional levels;
 - Affordable housing targets;
 - The need to encourage rather than restrain development;
 - The need to promote mixed and balanced communities;

- The size and type of affordable housing needed in particular locations; and,
- The specific circumstances of the site.

- 10.5.7 The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out SP02 (3a) of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 10.5.8 Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 10.5.9 The affordable housing offer is 13% by habitable room on-site provision. It is acknowledged that the provision is significantly under the minimum of 35% required by policy (subject to viability)
- 10.5.10 The affordable housing is being delivered as 100% affordable-rented product, with 50% provided at London affordable rent and 50% provided as Tower Hamlets living Rents. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split. The proposed tenure split would not be in accordance with this policy requirements however is considered to be broadly acceptable. As part of the viability discussions, affordable housing officers demonstrated concerns in relation to the affordability of the intermediate product. Given the low provision of units, it was considered that a better outcome in terms of securing homes for those of greatest need was to provide the affordable housing in the rented product. The proposal will contain 3 x three bed affordable rented units to meet an identified need in the borough.
- 10.5.11 In light of this significant shortfall in the proportion of affordable housing proposed, and the requirement of the Council’s development plan to take into account the viability of development proposals when determining an acceptable level of affordable housing, the scheme has been reviewed independently by two separate viability consultants being Bilfinger GVA and BBP regeneration. The viability consultants did not have view of the other reviewers report and, an expert cost consultant reviewed the inputs as part of GVA’s assessment and agreed. In addition, a cost consultant has also reviewed the inputs as part of GVA’s assessment. In addition, the GLA’s viability team reviewed the assessment and agreed that affordable housing has been maximised. The GLA added the proviso that early and advanced stage reviews should be secured and the GLA consulted.
- 10.5.12 Given the potential for changes in sales values and construction costs, the scheme should be subject to a viability review mechanism to allow additional affordable housing to be secured should the viability of the scheme improve in line with the Mayor of London's guidance. A viability review mechanism will be secured within a s106 agreement which is recommended to include a requirement to take account and where possible the use of grant funding to increase affordable housing delivery on site. Two viability reviews triggers are proposed, firstly if the development has not been implemented within 18 months from the grant of permission (with the

definition of 'implementation' to be agreed as part of s.106 negotiations) would also be secured should permission be granted, and secondly at an advanced stage (i.e. when the scheme is 75% occupied).

- 10.5.13 This is particularly necessary give the low affordable housing level that the scheme can viably deliver at this time and because a 5 year time limit to implement the scheme is recommended due to the need for the Gas Works to be decommissioned and Hazardous Substances Consent removed prior to occupation of the development.
- 10.5.14 The wording of the Viability Review mechanism will need to be considered carefully. A viability review is recommended at first implementation stage, which is when CIL contributions are paid, but only if the scheme is implemented after 2 years of the date of the consent, and at an early and advanced stage viability review (prior to first occupation of the development) which would be secured within a section 106 agreement. An additional clause is also recommended within the s106 legal agreement to secure a commitment to pursue grant funding (e.g. GLA affordable Housing Programme Grants and the LBTH Grants) to increase the level of affordable housing.
- 10.5.15 This is in line with the Mayor of Tower Hamlets and the Mayor of London's push to deliver more affordable housing, which encourages the account and use of grant funding. In this regard, the Council's DVDSPD states "All planning applications and related FVAs are required to account for amounts of grant funding that are likely to be available". The Mayor of London's AHVSPG states: "All schemes are expected to determine whether grant and other forms of subsidy are available and to make the most efficient use of this to increase the level of affordable housing delivered"
- 10.5.16 Given the appeal history and timing of this application (i.e. the application was submitted before the adoption of the both the Mayor of London's AHVSPG and Council's DVDSPD) the availability of grant to increase the baseline level of affordable housing would benefit from further exploration. As such it is proposed to take account of this new policy direction through a suitably worded review mechanism within the s106 to the amount of affordable housing is maximised and a level significantly above 6% could be achieved should the viability position improve once the availability of grant is factored in.
- 10.5.17 In terms of grant regimes that could potentially be utilised to try to maximise the provision of affordable housing, there are two principles streams of funding available:
- GLA Affordable Housing Programme Grant: In summary £28,000 per unit above what is deemed to be technically viable may be available. The proportion of units this will apply to will depend on the overall offer. In Separate grant regimes cannot be used in conjunction with one another, so this form of grant should generally apply to intermediate tenure affordable housing.
 - LBTH Grant (from Right to Buy receipts): 30% of cost of delivering the affordable units, approximately £150,000 for every affordable 'rented' unit (i.e. London Affordable Rent and Tower Hamlets Living Rent) may be available.

10.5.18 Summary

Taking all of the above into account, all of the site constraints, the appeal decision and the agreed viability inputs it is considered that the development is maximising the affordable housing potential of the scheme. It is recommended as part of the legal agreement that a review mechanism is included to ensure that if any site and market levels change then the affordable housing offer can be reviewed.

Housing Mix

10.5.19 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. 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 rented homes to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).

10.5.20 The following table details the housing proposed within this application by unit number

Unit Size	1 bed	2 bed	3 bed	4 bed
Market Sector Tenure				
LBTH Target	50%	30%	20%	
Proposed Mix	15 units (29%)	20 units (39%)	14 units (28%)	2 units (4%)
Social/Affordable Rented Tenure				
LBTH Target	30%	25%	30%	15%
Proposed Mix	1 unit (25%)	2 units (25%)	3 units (50%)	0

Figure 8 (above): Table showing proposed housing tenure and mix

10.5.21 The overall mix of units is generally compliant with the above policy. There is a slight overprovision in terms of 3 and 4 bed units, however given the preference for larger family homes and the reprovision within the historic cottages, this is considered acceptable.

10.5.22 The overall mix of unit sizes and tenures would make a positive contribution to a mixed and balanced community in this location as well as recognising the needs of the Borough as identified in the Council's Strategic Housing Market Assessment. It reflects the overarching principles of national, regional and local policies and guidance.

Quality of residential accommodation

- 10.5.23 Local Plan policy 3.5 seeks quality in new housing provision, this is supported by policies SP02(6) and SP10(4) of the CS which supports high quality well-designed developments.
- 10.5.24 Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime”. The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 10.5.25 All of the proposed flats meet and exceed the London Plan minimum internal space standards and the Minimum National Floorspace standards. The minimum floor-to-ceiling height also exceeds 2.5m which is in accordance with relevant policy and guidance. No floor would have more than 8 units per core, in accordance with the SPG.
- 10.5.26 The rented family sized units are designed with the ability to separate the living room / kitchen arrangements, this is welcomed. The applicant states that all of the residential units will be compliant with Building Regulation M4 (2) with 90% of the units being accessible and adaptable and 10% of the units designed to be wheelchair user dwellings M4(3) across the tenures in accordance with Policy.
- 10.5.27 The proposal also includes 2 wheelchair accessible parking bays in an on street location. The provision of these will be secured via legal agreement.

Outlook

- 10.5.28 In terms of the relationship internal to the site, officers note that there could be some mutual overlooking of the flats facing into the middle of the site and over the communal amenity space.
- 10.5.29 The closest windows are located where block A and block B meet with a distance of 2 metres, being a bedroom and a kitchen from first to third floor levels. At each level the kitchen within Block B is proposed to be opaquely glazed and both units are dual aspect with the amenity space on the other aspect of the units.
- 10.5.30 The design of both Block C and Block B have been considered in order to minimise the overlooking potential, with only one unit having its private amenity space facing internally (and away from the railway line). The private amenity space faces internally however, directs views to the section of Block B where the core is located and there are no direct windows (with a distance of 13 metres). The amenity space is located at such an oblique angle that the closest window visible would be approximately 13 metres distance.
- 10.5.31 The units in block A and B are separated from the railway line by 7 metres at its worst point being the southernmost window within C.01.3 at first floor. and would have good visibility. There are only three units (5%) that are single aspect and these are the three one bed units within Block B, with the small nature of these units making dual aspect difficult.

10.5.32 It is therefore considered that the proposed flats by reason of their orientation and separation distance would therefore not be unduly overlooked by neighbouring properties.

Noise

10.5.33 Given the proximity of the new residential properties to the railway line, which is utilised for rail and freight and the nearby canal and commercial operations, the inspector stated that stringent acoustic standards would be required to safeguard new residents from that noise source (para 62). The acoustic measures would similarly protect occupants from noise arising from use of the railway arches.

10.5.34 The submitted noise assessment sets out recommended noise mitigation measures that would ensure that the internal noise levels within the proposed residential units accords with guidelines. These measures include the use of specialist laminated double glazed windows, triple glazed window or secondary glazing together with acoustically treated ventilators.

10.5.35 Subject to appropriate conditions securing appropriate glazing specifications and ventilation would not be subject to undue noise or vibration from the train line and surrounding uses.

Internal Daylight and Sunlight

10.5.36 DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.

10.5.37 The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:

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

10.5.38 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.

Daylight/sunlight to proposed units

10.5.39 The applicant has submitted a daylight sunlight assessment for the proposed development which has detailed the following analysis.

10.5.40 Annual Daylight Factor analysis of the 180 habitable rooms within the development shows that 162 (90%) will comply fully with the recommendations. Where rooms do not meet the required ADF values, these are limited to the larger living kitchen dining spaces at the lower levels. The daylight penetration results show that the majority of these rooms will receive daylight to a significant proportion of the room

with daylight amenity being concentrated to the main living and winter garden spaces provided.

- 10.5.41 Daylight Distribution analysis of the daylight penetration within the 180 rooms shows that 170 (94%) will comply fully with the BRE report recommendations, seeing daylight penetration to over 80% of the rooms area.
- 10.5.42 Windows that predominately face north would be unlikely to comply with the sunlight guidance, APSH analysis shows that of those 112 north facing windows (62% will fully comply with the recommendations). Assessment of the south facing rooms shows that of the 107 windows 82 (77% would comply fully). This level of compliance is above expectations within urban areas.
- 10.5.43 The analysis shows that the daylight and sunlight amenity of the proposed development would be appropriate for this urban setting.

Overshadowing to the courtyard amenity space

- 10.5.44 The overshadowing analysis of the courtyard within the centre of the proposed scheme shows that sunlight provision on 21st March will be severely limited and not BRE compliant (which requires a minimum of 2 hours). The analysis undertaken for the 21st June shows that sunlight amenity will increase significantly during summer months.
- 10.5.45 While officers acknowledge the limit on daylight to this area is not ideal, it is considered that in this case given the proposal has provided substantially increased areas of amenity space over the minimum required. These spaces are split into three areas and are of a good quality. Therefore in this case this is considered acceptable.

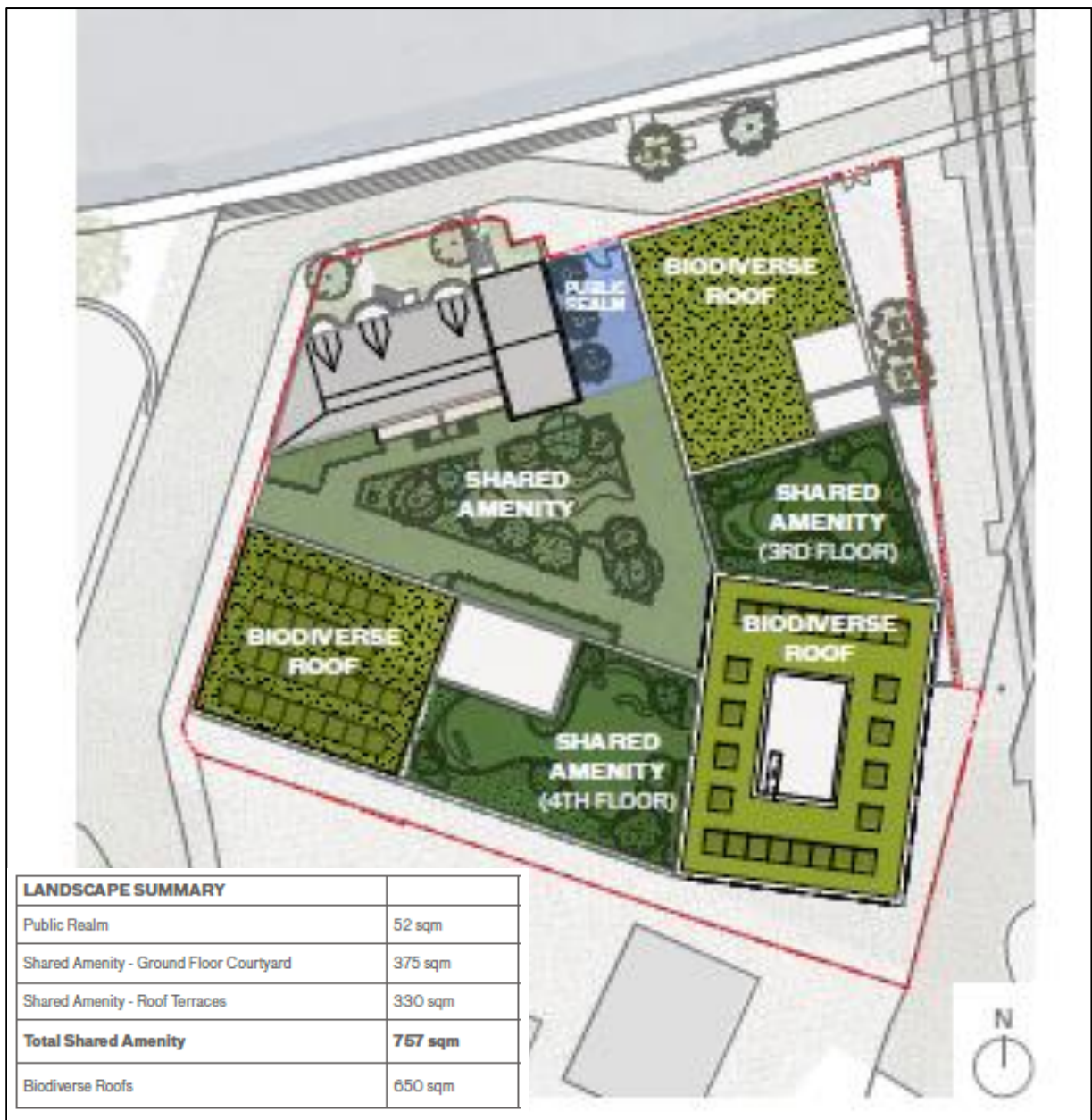
Conclusions

- 10.5.46 Overall, given the constraints of the site, the inspector's previous conclusions and the optimisation of the land officers consider the proposed development has maximised the daylight and sunlight provisions within the development.

Communal Amenity space and child play space

- 10.5.47 For all major developments, there are three forms of amenity space required: private amenity space, communal amenity space, and child play space.
- 10.5.48 The amenity space is provided within three areas and accessible to all residents. The main amenity space is located centrally within the courtyard of the four buildings, with two additional amenity spaces at roof level being at third level between block C and A and fourth floor level on Block B.

Figure 9 (above): Proposed layout of amenity spaces



Private Amenity Space

10.5.49 Private amenity space requirements are a set of figures which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.

10.5.50 The application proposes designated private amenity space to all of the flats which are generally in compliance with the above policy standard. The private amenity spaces within each unit are inset and incorporated within the overall design. The space can be fully enclosed or can be opened up completely above providing a 1.5 metres safety railing.

Communal Amenity Space

- 10.5.51 Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 97sqm.
- 10.5.52 Paragraph 4.7 of the Managing Development Document states '*communal amenity space should be overlooked, and support a range of activities including space for relaxation, gardening, urban agriculture and opportunities to promote biodiversity and ecology*'
- 10.5.53 The proposal as shown below would provide a combined total of 757sqm of amenity space. While it is noted that the internal courtyard may not meet the minimum of 2 hours of sunlight on the 21st March, there are three separate areas which is in excess of the requirements.
- 10.5.54 For the reasons above, the quantum and quality of the communal amenity space is therefore considered to acceptable.

Child play space

- 10.5.55 The quantum of child play space is determined by the child yield of the development with 10sqm of play space required per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents.
- 10.5.56 The scheme is predicted to contain 15 children (0-15 years of age) using the GLA child yield calculations as per the LBTH Planning Obligations SPG. The following is a breakdown of the expected number of children per age group:
- Under 5 years 7
 - 5-11 years 5
 - Over 12 years 3
- 10.5.57 In accordance with London Plan Guidance a total of 146.5sqm of play space is required for all three age groups. The applicant is proposing a total of 213sqm of play space, with 56sqm for under 5 and a further 157sqm for 6-11 years, which meets the requirements.
- 10.5.58 The applicant has split the child play space between the three proposed amenity space areas and spread it between the communal amenity spaces. This approach is supported and will make the spaces well used and overlooked.
- 10.5.59 The largest space is located on the roof of block B which is on top of the affordable units. The space can be accessed by both the Core in B and through the central core in Block A. This is a good design arrangement. The details around the access and management arrangements will be secured by condition.



Figure 10 (above): Proposed child playspace provision

10.5.60 The site is in relatively close proximity of Victoria Park, London Fields and Haggerston Park and it is considered that children will benefit from good access to a wide range of play facilities on and off site. The proposed child play space provision is therefore considered acceptable in accordance with the development plan policies.

Conclusion

10.5.61 The proposed development would provide all forms of amenity space required on site and is in excess of requirements. The proposed amenity strategy ensures that an appropriate quantum and quality of amenity space would be delivered on the site overall. The development as a consequence would result in a development which would provide high quality living conditions and spaces for enjoyment for future residents.

10.6 Neighbouring Amenity

10.6.1 Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting

conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

Daylight, Sunlight and Overshadowing

- 10.6.2 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 10.6.3 The majority of the buildings surrounding the site are industrial, including some meanwhile uses. It is anticipated given the site allocation that the surrounding building will be redeveloped.

Daylight

- 10.6.4 For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.
- 10.6.5 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 10.6.6 The following properties have been tested for Daylight and Sunlight based on land use and proximity to the site.

51-53 Andrews Road

- 10.6.7 The site is directly to the north of the development and across the canal within the London borough of Hackney. The VSC levels show that all of the windows overlooking the Development (south facing) will satisfy the BRE guidelines, with the DD analysis showing that the rooms to the centre of the building will see little or no change to their existing DD values and will remain fully BRE compliant.
- 10.6.8 The Annual Probably Sunlight Hours (APSH) test show that all windows requiring testing will retain fully compliant levels of sunlight access both annually and in the winter months.

519 – 525 Cambridge Heath Road

- 10.6.9 This property lies to the north- east of the host site and over the railway line. The building is part three and part four storey building currently used as residential at upper levels. VSC analysis shows that all windows tested will see little modification to their current VSC values and comply with BRE guidelines and will also be compliant with daylight levels.
- 10.6.10 It is noted that the site has a recent approval for the demolition of the existing building and the construction of a 5 storey building to contain 9 new residential units which has not been assessed as part of the daylight/sunlight assessment (PA/14/03474). However, given the assessment indicates that the existing building

at a lower level will comply it is considered that the new building should receive sufficient levels also (particularly as the building is to the east). In addition, the inspector found the much larger scale building would respect the surrounding neighbours in terms of amenity it is considered that the reduction in height would also preserve neighbouring amenity.

515-517 Cambridge Heath Road

- 10.6.11 This property lies to the east of the host site and closest to Block A (the largest of the buildings). This building is a three storey Victorian terraces set back into the site. The report indicates that the living spaces within this building face Cambridge Heath Road with bedrooms facing towards the railway.
- 10.6.12 The daylight analysis of each property shows that all of the windows of 517 will comply (more northern building), with two of the four windows on 515 achieving compliant VSC values. The windows which do not comply will retain 0.79 times its current VSC value which is negligibly below the requirement. Additionally the sunlight analysis shows that 1 out of 4 rear windows for 515 Cambridge Heath Road will be BRE compliant and 2 out of 4 rear windows of 517 will be BRE compliant. Those windows which are not compliant will have a minor adverse effect with retentions between 0.6 and 0.71 of the former values.
- 10.6.13 Given the current height of the railway line and the highly compact and urban environment these values are considered acceptable.

507-513 Cambridge Heath Road

- 10.6.14 All windows facing the development within this building are VSC and DD compliant. The APSH levels will comply for 7 out of the 9 windows, with two transgressions limited to bedrooms and are minimal given the surrounding environment.

Overshadowing

- 10.6.15 The development will result in overshadowing of the Canal towpath and the amenity space to the north of 5-10 Corbridge Crescent (Containerville). The overshadowing diagrams demonstrate that the development will lead to additional overshadowing, but the effect is transient and will clear the waterway between 1 and 2pm within the winter months, which will be greatly improved during the summer months.

Privacy

- 10.6.16 Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances will exist between the proposed new buildings and existing facing buildings on neighbouring sites.
- 10.6.17 The proposed residential units have been well designed, and gives respect to the surrounding sites specifically given it is the first site to come forward within the site allocation and given the constrained nature of the site. The inspector notes that 'the appeal schemes have been designed to ensure that neighbouring sites would continue to operate effectively or can be developed to their optimum potential'.
- 10.6.18 Concerned residents have noted the potential for overlooking into the rear of the Cobalt building (507-513 Cambridge Heath Road). Officers consider that these

buildings are separated by a minimum of 22 metres, with a large railway line in between. It is not considered that the development would give rise to unacceptable overlooking in this instance.

Visual amenity / sense of enclosure

- 10.6.19 Given the location and separation distance of surrounding facing residential properties, the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of loss of outlook and sense of enclosure.

Summary

- 10.6.20 In addition to the above, officers are limited in their scope for considerations given the Inspector was satisfied that the previous applications for the redevelopment of the site (reference PA/14/03219 and PA/14/03220) would not give rise to any unacceptable impacts on surrounding residential amenity, and would provide appropriate levels of amenity for future residential occupants within the development in terms of light, noise and outlook, subject to conditions.

10.7 Highways and Transportation

Policy Context

- 10.7.1 The NPPF and Policy 6.1 of the London Plan (MALP 2016) seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 10.7.2 Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 10.7.3 Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

Site context and proposal

- 10.7.4 The site has a good public transport accessibility level (PTAL) of 6a. The site currently contains vehicular access on Corbridge Crescent and on-site parking for up to 15 coaches varying in size from 14 seater minibuses to 57 seaters, and a further five are regularly stored in the open front yard in the front of the shed. All vehicles arrive and depart via Corbridge Crescent.
- 10.7.5 The proposal will remove all vehicular access to the site, removing the vehicular trips currently associated with the site and this part of The Oval.

Car Parking and access

- 10.7.6 Policies 6.13 of the London Plan and policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

- 10.7.7 The development is proposing to provide three on street dedicated accessible parking spaces. However the rest of the development will be car free and secured by section 106 agreement.
- 10.7.8 The three 3 bedroom rented units would be eligible for the Tower Hamlets Permit Transfer Scheme to retain their on street residents parking permit and the applicant has demonstrated sufficient local capacity in the area to accommodate car parking associated with these three homes. Indeed the transport assessment provided an assessment relating to the availability of on street parking spaces within 200 metres of the site. The survey observed in 2012 that there were ranging from 17-137 available on street parking spaces depending on time of day. A new survey was undertaken in 2016 which demonstrated greater availability. Therefore, it is considered there is sufficient availability within the wider area to accommodate these three additional permit holders only.
- 10.7.9 In addition, to the changes in built form, the proposal also includes an east to west route to the south of the proposed buildings to facilitate pedestrian connections between Hare Row, Grove Passage, Cambridge Heath Road and The Oval. This is a positive benefit of the scheme and will enhance the existing provision for pedestrians and cyclists and access into and around the site. The provision of this route will be secured via a section 106 legal agreement.
- 10.7.10 The proposal also includes the introduction of improved footways and hard and soft landscaping along The Oval, Hare Row and Grove Passage to make these routes more accessible to residents and pedestrians.
- 10.7.11 The proposal includes the provision of a turning head to allow for waste vehicles and delivery and service vehicles to be able to turn into The Oval from Corbridge Crescent. This turning head is provided in a section of highways land adjacent to the 5-10 Corbridge Crescent (Containerville). This turning head is required in order to make the delivery and waste service strategies acceptable and will be secured via section 106 agreement.

Cycle Parking

- 10.7.12 The application proposes 97 cycle parking spaces for the residential and commercial elements of the scheme on the ground floor. The access to these spaces are all step free.
- 10.7.13 The residential element requires 98 cycle spaces for long stay users and 1 visitor space. This is provided beneath Block A and C and between the two lobby entrances. This is split between the two different tenure types.
- 10.7.14 The B1 use would require 5 long stay spaces and 1 short stay space. However if this space was utilised for a D1 use then the requirement is 1 space per 8 staff.
- 10.7.15 Therefore, while some areas have been shown to provide the cycle spaces it has not been clarified how many spaces and what type of stands are provided in each area. Therefore, it is considered that a condition be required for further details of the number and layout of the cycle spaces provided and further information provided prior to occupation of the commercial units to demonstrate where these spaces will be provided.

Waste

- 10.7.16 The refuse collection is proposed to take place from The Oval and Corbridge Crescent, this is acceptable and any vehicles will be able to manoeuvre into the proposed turning head.
- 10.7.17 The transport statement also suggests that the small commercial units and residential units could be serviced by a smaller van from Hare Row. Officers do not consider this to be a satisfactory solution and as such would require a Waste Strategy as a condition, in order to clarify details for collection specifically from The Oval. As part of this condition, details should be provided of the waiting location for the bins (less than 10 metres trolleying distances), the size and spacing and type of containers and volume of waste by litres for both residential and commercial.

Delivery and Servicing

- 10.7.18 It is considered that the servicing of the units could take place from Corbridge Crescent utilising the same turning bay as the refuse trucks. Full details of the servicing should be provided via condition. The transport statement also suggests that the small commercial units and residential units could be serviced by a smaller van from Hare Row. Officers do not consider this to be a satisfactory solution as vehicles are unable to turn around within Hare Row.

Demolition and Construction Traffic

- 10.7.19 Should the application be approved, the impact on the road network from demolition and construction traffic would be controlled by way of conditions requiring the submission and approval of Demolition and Construction Logistic Plans. The Demolition and Construction Logistic Plans will need to consider other developments on The Oval and Corbridge Crescent and also the feasibility of using the canal for the transportation of freight.

10.8 Energy & Sustainability

- 10.8.1 London Plan Policy 5.1 deals with London's response to climate change and seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025 .
- 10.8.2 Policy 5.2 sets out the Mayor's energy hierarchy to:
- Be lean: Use Less Energy
 - Be clean: Supply Energy Efficiently
 - Be Green: Use Renewable Energy
- 10.8.3 The Managing Development Document Policy DM29 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. From 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.
- 10.8.4 Policy 5.2 requires major development, both residential and non-domestic, to achieve a minimum improvement in CO2 emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 residential buildings

should be zero carbon while non-domestic should accord with Part L of the 2013 Building Regulations and be zero carbon from 2019.

- 10.8.5 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require the residential units to comply with optional requirement G(36)(2)9b) of the 2010 Building Regulations in relation to water consumption and non-residential to achieve BREEAM Excellent.
- 10.8.6 The submitted energy strategy and addendum are acceptable for the development given the size of the scheme. The design has sought to follow the energy hierarchy and delivery savings through demand reduction and then through the use of renewables. The use of a low carbon source for the 'Be Clean' stage has been investigated but due to the relatively small scale of the developments a CHP would not be considered suitable (GLA guidance is for schemes of 500 units or more for CHP). The proposals have followed the decentralised energy hierarchy in London Plan policy 5.6.
- 10.8.7 The proposals have noted to have a 'temporary' boiler solution as the design would be for the scheme to link to a wider heating network in the future should one be available. A condition will be attached requiring details of the plant room layout and possible connection routes to future proof the development.
- 10.8.8 Whilst the CO2 savings are significantly below policy requirements the proposals include the provision of a carbon offsetting payment which is considered acceptable in this instance. A condition requiring the submission of the 'as built' energy calculations will be included to ensure that the energy efficiency measures and renewable energy technologies are delivered as proposed.

Biodiversity

- 10.8.9 Core Strategy SP04 is concerned with '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 and green terraces whilst ensuring that development protects and enhances areas of biodiversity value. Policy DM11 requires developments to provide elements of a 'living buildings' which can be provided as living roofs, walls, terraces or other building greening techniques. The policy requires existing elements of biodiversity value be retained or replaced by developments.
- 10.8.10 The council's biodiversity officer has confirmed that the existing site has limited ecological value and the recommended enhancements would contribute to targets in the current Local Biodiversity Action Plan. The existing trees, shrubs, climbers and perhaps buildings are likely to support common nesting birds, The loss of this nesting habitat would be a very minor adverse impact on biodiversity, which can be mitigated within the new development. The clearance and demolition should be undertaken outside the nesting season, and if not possible, a survey for nesting birds should be undertaken. This will be secured via condition.
- 10.8.11 The submitted Bat emergence survey identifies there are no bats roosting within the buildings, there were bats found foraging along the adjacent canal. As such, any lighting within this area would need to be carefully considered and avoided. External lighting both during construction and operation should be designed to avoid light spillage and further details will be required via condition.

- 10.8.12 The proposal includes 650sqm of biodiverse roofs and formal amenity areas with planting at ground and roof terrace levels. With appropriate planting, in particular a good diversity of nectar rich shrubs and perennials, the formal planting could also be valuable for biodiversity. Other enhancements recommended within the report include installing bat boxes and nest boxes for swifts and house sparrows. Details of the biodiverse roofs and other biodiversity enhancements will be secured via condition.
- 10.8.13 The Council's Biodiversity officer is satisfied that with appropriate conditions the proposed development would result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS and DM11 of the Managing Development Document.

Air Quality

- 10.8.14 Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it would prevent or reduce air pollution in line with Clear Zone objectives.
- 10.8.15 The borough is designated an Air Quality Management Area and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods. NPPF paragraph 124 requires planning decisions to ensure that new development in Air Quality Management Areas is consistent with the local air quality plan.
- 10.8.16 The air quality assessment shows that the development will not have a significant impact on air quality and that the development meets the air quality neutral requirements. While the energy plant has yet to be decided upon it must comply with the NOx emissions standards.
- 10.8.17 The assessment also shows that in the opening year some units will be subject to existing elevated pollution levels exceeding the NO2 air quality objective, mitigation will be required for the units shown to be exceeding or nearing the annual NO2 objective.
- 10.8.19 The Construction Management plan is subject to condition and the construction machinery and transportation will need to comply with the missions standards set out in the GLA's sustainable Design and Construction SPG.
- 10.8.20 As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution

Health Considerations

- 10.8.21 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.

10.8.22 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.

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

- a) Working with NHS Tower Hamlets to improve healthy and active lifestyles.
- b) Providing high-quality walking and cycling routes.
- c) Providing excellent access to leisure and recreation facilities.
- d) Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- e) Promoting and supporting local food-growing and urban agriculture.

10.8.24 As detailed in the previous section, the proposed development would promote sustainable modes of transport, improve permeability through the site, provide communal amenity space and provide sufficient play space for children. It is therefore considered that the proposed development as a consequence would broadly promote public health within the borough in accordance with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

10.9 Impact upon local infrastructure / facilities

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

10.9.2 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) Are fairly and reasonably related in scale and kind to the development.

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

10.9.4 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

10.9.5 The Council's Planning Obligations Supplementary Planning Document (2016) carries weight in the assessment of planning applications. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. This identifies the council's priorities as Affordable housing, Sustainable transport, publicly accessible open space, education, health, training, employment and enterprise etc.

10.9.6 The SPG seeks planning obligations for the following priority areas which are not covered by CIL:

- Affordable Housing (and wheelchair accessible accommodation)
- Employment, Skills, Training and Enterprise

- Transport and highways
 - Public access and children's play space
 - Environmental sustainability
- 10.9.7 The proposal would also be subject to an LBTH Community Infrastructure Levy. The types of infrastructure project that may be partly or wholly funded by CIL can include:
- Public education
 - Community and leisure facilities
 - Public open space
 - Road and other transport facilities
 - Health facilities
- 10.9.8 The development is predicted to have a population yield of 77 children which will generate additional demand for school places. The development is also predicted to generate some jobs once the development is complete. Therefore, the development will place some additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene.
- 10.9.9 As outlined in the following section financial contribution section of the report LBTH CIL is now applicable to the development would help mitigate the above impacts.
- 10.9.10 The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:
- Enterprise and Employment Skills and Training;
 - End User;
 - Carbon Off-Set
 - Monitoring contribution
- 10.9.11 The applicant has also offered 13% affordable housing by habitable room with 6 affordable rented units split between tower hamlets and London living rent levels. This offer has been independently viability tested by two assessors and the information submitted is considered sufficient to confirm that it maximises the affordable housing levels in accordance with relevant policy.
- 10.9.2 A Development viability review clause to identify and secure any uplift of Affordable Housing if the development has not been implemented within 18 months from the grant of permission (with the definition of 'implementation' to be agreed as part of s.106 negotiations) would also be secured should permission be granted, and secondly at an advanced stage (i.e. when the scheme is 75%_occupied). An additional clause is also recommended within the s106 legal agreement to secure a commitment to pursue grant funding (e.g. GLA affordable Housing Programme Grants and the LBTH Grants) to increase the level of affordable housing.
- 10.9.3 The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme) and residential and workplace travel plans.

10.9.4 The financial contributions offered by the applicant are summarised in the following table:

Heads	Planning obligation financial contribution
Employment, Skills, Construction Phase Skills and Training	£27,923
Access employment and end user	£2,690
Carbon off set initiatives	£119,280
Accessible Parking	£30,000
Monitoring	£2,000
Total	£179,894

Figure 11 (above): Proposed financial planning contributions (s106)

10.9.5 These obligations are considered to meet the tests set out in guidance and the CIL regulations.

OTHER

Financial Considerations

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

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

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

10.9.7 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.

10.9.8 In this context “grants” might include New Homes Bonus.

10.9.9 These are material planning considerations when determining planning applications or planning appeals.

10.9.10 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate Mayoral CIL contribution is estimated to be around £196,280 (subject of indexation and social housing exception). The site falls within zone 2 of the borough’s CIL charging schedule resulting in a contribution of approximately £424,450 (subject to indexation).

10.10 Human Rights Considerations

- 10.10.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 10.10.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 10.10.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 10.10.4 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 10.10.5 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.
- 10.10.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.10.7 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.
- 10.10.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

10.11 Equalities Act Considerations

10.11.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs 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. 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:

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.

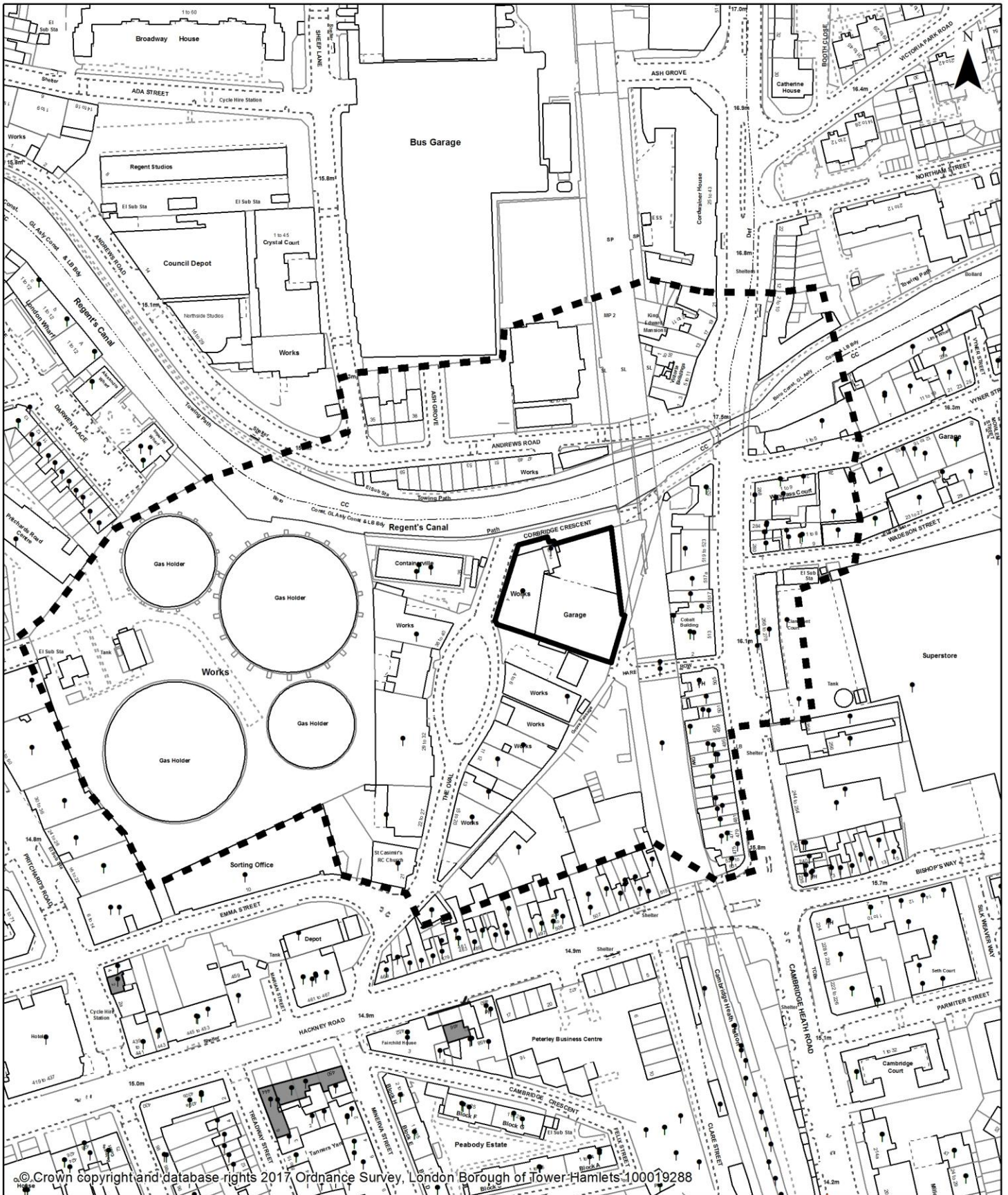
10.11.2 The provision of residential units and commercial floor space, within the development meets the standards set in the relevant regulations on accessibility. Of the residential units proposed within the development, 10% would be wheelchair accessible/adaptable. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.

10.11.3 The introduction of publically accessible east to west route with associated public realm would also increase permeability and promote social cohesion across the site and within the borough generally.

10.11.4 The proposed development and uses as a consequence are considered to have no adverse impacts upon equality and social cohesion.

11.0 CONCLUSION

11.1 All other relevant policies and considerations have been taken into account. Planning Permission should be **GRANTED** for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.



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-  Consultation Area
-  Planning Application Site Boundary
-  Statutory Listed Buildings
-  Locally Listed Buildings

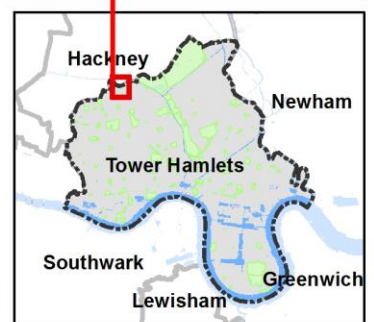
Scale @ 1:2,100
 30 15 0 30 60 90 Meters

Planning Application Site Map PA/16/03771

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



GIS for
 Place Directorate



APPENDIX 1

List of documents and plans for approval

EXISTING DRAWINGS

210_01 P10.000	Existing Location Plan
210_01 P10.001	Existing Site Plan
210_01 P10.002	Existing Basement Plan
210_01 P10.003	Existing Ground Floor Plan
210_01 P10.004	Existing First Floor Plan
210_01 P10.005	Existing Roof Plan
210_01 P10.006	Existing Site Elevations
210_01 P10.007	Existing North Elevation
210_01 P10.008	Existing West Elevation
210_01 P10.009	Existing South Elevation
210_01 P10.010	Existing East Elevation

PROPOSED SCHEME DRAWING NUMBERS FORMING SUBMISSION

210_01_P20.000	Proposed Site Plan
210_01_P20.001 rev E	Proposed Ground Floor Plan
210_01_P20.002 rev F	Proposed First Floor Plan
210_01_P20.003 rev E	Proposed Second Floor Plan
210_01_P20.004 rev D	Proposed Third Floor Plan
210_01_P20.005 rev D	Proposed Fourth Floor Plan
210_01_P20.006 rev B	Proposed Fifth - Ninth Floor Plan
210_01_P20.007 rev B	Proposed Roof Plan
210_01_P20.010 rev E	Proposed Ground Floor Plan
210_01_P20.011 rev F	Proposed First Floor Plan
210_01_P20.012 rev E	Proposed Second Floor Plan
210_01_P20.013 rev D	Proposed Third Floor Plan
210_01_P20.014 rev D	Proposed Fourth Floor Plan
210_01_P20.015 rev B	Proposed Fifth - Ninth Floor Plan
210_01_P20.016 rev B	Proposed Roof Plan
210_01_P20.507 rev A	Apt Type B1A Layout Plan
210_01_P20.512	Apt Type C1A Layout Plan
210_01_P20.514	Apt Type C2A Layout Plan
210_01_P30.000 rev A	Proposed North and West Site Elevations
210_01_P30.001 rev A	Proposed North Elevation
210_01_P30.002 rev A	Proposed West Elevation
210_01_P30.003 rev A	Proposed South Elevation
210_01_P30.004 rev A	Proposed East Elevation
210_01_P40.001	Proposed Section A-A
210_01_P40.002	Proposed Section B-B

Documents

- Daylight and Sunlight Amenity Report in Respect of residential habitable rooms, scheme 1 dated 23 December 2016 prepared by GL Hearn;
- Daylight and Sunlight Report Scheme 1 dated 15 November 2016 prepared by GL Hearn;
- Flood risk assessment and Suds assessment, dated 9th December 2016 prepared by water environment limited;
- Transport Statement prepared by Entran Ltd dated December 2016;
- Planning Statement – Scheme 1 prepared by CMA planning dated December 2016;
- Heritage Assessment (10 Storey Scheme) prepared by Montague Evans dated 12 December 2016;
- Air Quality Assessment dated December 2016 prepared by XCO2 group;
- Arboricultural Survey prepared by PJC Consultancy ltd. dated 20 5 2014;
- Phase 1 Bat Survey dated November 2016 prepared by ASW Ecology;
- Geo-environmental Desk Study Preliminary risk assessment prepared by Jomas associates Ltd dated 16 November 2016;
- Ecological appraisal version C dated November 2016 prepared by Ecology and Land Management for Standerwick Land Design;
- Energy Statement produced by XCO2 dated December 2016 and Energy Strategy Addendum Ten Storey Scheme dated 17 July 2017;
- Empress works Gasholder Risk Assessment prepared by Renaissance Risk dated October 2016;
- Environmental Noise and Vibration Measurements with mitigation assessment for proposed ten storey development prepared by Airo dated December 2016;
- Wind and Microclimate Analysis updated prepared by XCO2 dated December 2016;
- Sustainability statement prepared by XCO2 dated December 2016;
- Townscape appraisal prepared by Peter Stewart Consultancy dated December 2016;

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UPDATE REPORT OF DIVISIONAL DIRECTOR OF PLANNING AND BUILDING CONTROL

Agenda item no	Reference no	Location	Proposal / Title
4.1	PA/16/03352	Enterprise House, 21 Buckle Street, E14 9FW	Demolition of existing office building and erection of a 13 storey building (plus enclosed roof top level plant storey) rising to 56.32m (AOD) containing 103 unit aparthotel (C1 Use) with B1 Use Class office workspace at ground and mezzanine level with an ancillary café (A3 Use Class) and hotel reception space at ground floor, together with ancillary facilities, waste storage and associated cycle parking store

1.0 CLARIFICATIONS AND CORRECTIONS

- 1.1 Paragraph 3.1 to be amended as follows "...a further 65 52 moderate adverse VSC impacts to neighbouring residential windows..."
- 1.2 Paragraph 3.11 to be amended as follows "...the application site lies within the identified inner outer core of the City Fringe OAPF..."
- 1.4 Paragraph 3.9 to be amended as follows "...~~should seek to re-provide at least the same quantum of employment floor mixed-use schemes should still seek to provide significant employment space where proposals including demolition of existing employment space...~~"
- 1.5 Paragraph 5.5 to be amended as follows "As a result the proposal is not considered to be in accordance with the development plan including Policies DM0, DM7, DM24, DM25 of the Managing Development Document, Core Strategy Policies SP06, SP010, London Plan Policies 2.13, 4.1, 4.2, 7.4 and the objectives of the City Fringe OAPF including objectives of Paragraph 3.9 in respect of avoiding a net loss of employment floor space within the OAPF Inner-Core."

Local Representations - 17th August Development Committee Report

- 1.6 Paragraph 9.2 of the Report to the 17th August Strategic Development Committee it was reported that there were 22 individual representations who objected to the scheme. This is an error there were 22 individual representations who objected to the scheme and 1 additional representations received in support (9 in total as opposed to 8). The representations received in support were all received via the planning agent.

2.0 RECOMMENDATION

- 2.1 Officer's recommendation remains to grant planning permission remain unchanged.
- 2.2 However if Members are minded to refuse scheme the 3rd reason of refusal is recommended to be amended as per paragraph 1.5 above.

Agenda item no	Reference no	Location	Proposal / Title
4.2	PA/16/02808	225 Marsh Wall, London, E14 9FW	<p>Full planning application for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storey (maximum AOD height 163.08m) comprising 332 residential units (Use Class C3); 810 square metres of community floorspace (use class D1); 79 square metres of flexible retail/restaurant/community (Use Class A1/A3/D1), basement cycle parking; resident amenities; public realm improvements; and other associated works.</p> <p>The application is accompanied by an Environmental Impact Assessment.</p>

1.0 CLARIFICATIONS AND CORRECTIONS

- 1.1 An additional reason for refusal has been drafted in addition to those under section 3 'Committee reasons for refusal' within the deferral report (page 77) dated 4th October 2017. The wording is as follows:

'In the absence of a legal agreement to secure agreed and policy compliant financial and non-financial contributions including for employment, skills, training and enterprise and transport matters the development fails to mitigate its impact on local services, amenities and infrastructure. The above would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policies 8.2 of the London Plan (2016) and LBTH's Planning Obligations SPD (2016).'

- 1.2 It is considered that this is robust reason for refusal and would be defensible at appeal.

2.0 RECOMMENDATION

- 2.1 Officer's recommendation remains to grant planning permission remain unchanged.
- 2.2 However if Members are minded to refuse scheme the 2nd reason of refusal is recommended to be included as per paragraph 1.1 above.

Agenda item no	Reference no	Location	Proposal / Title
5.1 & [6.1]	PA/16/03771 & [PA/16/03773]	1-3 Corbridge Crescent And 1-4 The Oval, London E2 9DS	Demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 10 [8] storeys to provide 57 [51] residential dwellings (Use Class C3), with associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1).

1.0 CLARIFICATIONS AND CORRECTIONS

Paragraphs 2.6, 10.5.12 and 10.9.2 – Early stage viability review

- 1.1 In error, these paragraphs state that the viability review mechanism would be triggered within 18 months from grant of permission if the development has not been implemented. This should refer to 24 months which is in accordance with the Mayor of London's SPG and the Tower Hamlets Viability SPD.
- 1.2 Paragraph 10.9.8 to be amended as follows "...is predicted to have a population yield of ~~77~~15 [10] children...."

2.0 ADDITIONAL REPRESENTATION

- 2.1 Since the publication of the committee report, the Council has received an additional objection for PA/16/03771 - 10 storey scheme. The following points are raised:
- The ability to redevelop the site at 5-6 The Oval which is also located within the site allocation including
 - Separation distances;
 - Daylight and sunlight effects;
 - Pedestrian connectivity.
- 2.2 These matters have been considered in the officer's report and also by the inspector during the planning Inquiry. The inspector notes in paragraph 48 and 49 of the decision that the proposals would not fetter redevelopment of adjacent plots or physically impede or prejudice the redevelopment of the remaining parts of Site Allocation 2.
- 2.3 Officers have also considered this in their report and are mindful that other sides within the site allocation will be brought forward.

3.0 RECOMMENDATION

- 3.1 Officer's recommendations to grant planning permission remain unchanged.

Agenda Item 5

Committee: Strategic Development	Date: 26 th October 2017	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Place		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 2016
 - 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 the Planning Practice Guidance.
- 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

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: See Individual reports	Tick if copy supplied for register: ✓	Name and telephone no. of holder: See Individual reports
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Development Plan unless material planning considerations support a different decision being taken.

- 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 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 relevant Agenda Item.

5. RECOMMENDATION

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

Agenda Item 5.1

Committee: Strategic Development	Date: 26 th October 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Chris Stacey	Ref No: PA/16/03518
	Ward: Canary Wharf

1.0 APPLICATION DETAILS

Location: 49-59 Millharbour, 2-4 Muirfield Crescent and 23-39 Pepper Street, London, E14

Existing Use: Retail (Class A1) at ground floor level with commercial office space (Class B1) above and ancillary car parking at basement level.

Proposal: Demolition of existing buildings at 49-59 Millharbour, 2-4 Muirfield Crescent and 23-39 Pepper Street and the comprehensive mixed use redevelopment including two buildings ranging from 26 storeys (90.05m AOD) to 30 storeys (102.3m AOD) in height, comprising 319 residential units (Class C3), 1,708sqm (GIA) of flexible non-residential floor space (Classes A1, A3, A4 and D1), private and communal open spaces, car and cycle parking and associated landscaping and public realm works. The application is accompanied by an Environmental Statement.

Drawing and documents: *Drawings:*

- B00 – Existing Basement Floor Plan, Rev 2
- B01 – Proposed Basement Plan, Rev 8
- B05 – Key Basement Areas, Rev 1
- 000 – Indicative Demolition Plan, Rev 2
- 001 – Site Location Plan, Rev 2
- 002 – Existing Site Plan, Rev 2
- 003 – Proposed Site Plan, Rev 2
- 020 – Existing Ground Floor Plan, Rev 1
- 021 – Existing Floor Plan L01, Rev 1
- 022 – Existing Floor Plan L02, Rev 1
- 023 – Existing Floor Plan L03, Rev 1
- 100 – Ground Floor Plan L00, Rev 4
- 101 – Floor Plan L01, Rev 4
- 102 – Floor Plan L02, Rev 4
- 103 – Floor Plan L03, Rev 4
- 104 – Floor Plan L04-L06, Rev 4
- 105 – Floor Plan L07-L12, Rev 4
- 106 – Floor Plan L13, Rev 4
- 107 – Floor Plan L14, Rev 4
- 108 – Floor Plan L15, Rev 4

109 – Floor Plan L16-L20, Rev 4
110 – Floor Plan L21-L24, Rev 4
111 – Floor Plan L25, Rev 4
112 – Floor Plan L26-L28, Rev 4
113 – Roof Plan L29, Rev 2
120 – Ground Floor Plan L00 Building A, Rev 4
121 – Mezzanine Plan LM Building A, Rev 4
122 – Floor Plan L01 Building A, Rev 5
123 – Floor Plan L02-L14 Building A, Rev 4
127 – Floor Plan L15 Building A, Rev 4
128 – Floor Plan L16-L28 Building A, Rev 4
129 – Roof Plan L29 Building A, Rev 4
140 – Ground Floor Plan L00 Building B, Rev 4
141 – Mezzanine Plan LM Building B, Rev 4
142 – Floor Plan L01 Building B, Rev 5
143 – Floor Plan L02 Building B, Rev 4
144 – Floor Plan L03 Building B, Rev 4
145 – Floor Plan L04-L06 Building B, Rev 4
146 – Floor Plan L07-L12 Building B, Rev 4
147 – Floor Plan L13 Building B, Rev 5
148 – Floor Plan L14-L20 Building B, Rev 4
149 – Floor Plan L21-L24 Building B, Rev 4
150 – Roof Plan L25 Building B, Rev 4
200 – Proposed North Elevation in Context, Rev 4
201 – Proposed East Elevation in Context, Rev 4
202 – Proposed South Elevation in Context, Rev 4
203 – Proposed West Elevation in Context, Rev 4
205 – Existing North Elevation, Rev 1
206 – Existing East Elevation, Rev 1
207 – Existing South Elevation, Rev 1
208 – Existing West Elevation, Rev 1
210 – North Elevation Building A, Rev 4
211 – South Elevation Building A, Rev 4
212 – West Elevation Building A, Rev 4
213 – East Elevation Building A, Rev 4
220 – North Elevation Building B, Rev 5
221 – South Elevation Building B, Rev 4
222 – West Elevation Building B, Rev 5
223 – East Elevation Building B, Rev 4
253 – Section AA Building A, Rev 3
254 – Section BB Building A, Rev 3
255 – Section AA Building B, Rev 3
256 – Section BB Building B, Rev 3
280 – Building A Detailed Elevation, Rev 3
281 – Building B Detailed Elevation, Rev 3
500 – Area Plans (GEA) Building A, Rev 3
504 – Area Plans (GIA) Building A, Rev 3
508 – Area Plans (NIA) Building A, Rev 3
510 – Area Plans (GIA) (1 of 2) Building B, Rev 3
511 – Area Plans (GIA) (2 of 2) Building B, Rev 3
512 – Area Plans (GEA) (1 of 2) Building B, Rev 3
513 – Area Plans (GEA) (2 of 2) Building B, Rev 3
514 – Area Plans (NIA) (1 of 2) Building B, Rev 4
515 – Area Plans (NIA) (2 of 2) Building B, Rev 2
600 – Accessible Plan Building A Levels 2-14, Rev 3

602 – Accessible Plan Building A Level 15, Rev 3
 650 – Accessible Plans Building B Levels 4-6, Rev 3
 651 – Accessible Plans Building B Levels 7-12, Rev 3
 652 – Accessible Plans Building B Levels 13-23, Rev 3
 653 – Accessible Plans Town Houses, Rev 3
 670 – Typical Accessible 1B2P Unit Building A, Rev 3
 671 – Typical Accessible 2B4P Unit Building A, Rev 3
 680 – Typical Accessible 1B2P Unit Building B, Rev 3
 681 – Typical Accessible 2B4P Unit Building B, Rev 3
 683 – Typical Accessible 3B5P Unit Building B, Rev 1
 684 – Typical Accessible 2B4P Unit Building B, Rev 1
 700 – Tenure Plans (1 of 3) Building A, Rev 3
 701 – Tenure Plans (2 of 3) Building A, Rev 3
 702 – Tenure Plans (3 of 3) Building A, Rev 3
 710 – Tenure Plans (1 of 3) Building B, Rev 4
 711 – Tenure Plans (2 of 3) Building B, Rev 4
 712 – Tenure Plans (3 of 3) Building B, Rev 4
 EXA_1637_PL_111 – Landscape General Arrangement Plan – Ground Floor, Rev E
 EXA_1637_PL_112 – Landscape General Arrangement Plan Level 01, Rev C
 EXA_1637_PL_201 – Landscape Planting Plan – Ground Floor, Rev C
 EXA_1637_PL_202 – Landscape Planting Plan – Level 01, Rev C

Supporting Documents:

- Aviation Safeguarding Assessment, Dated 19/12/2014, Waterman
- Business Relocation Strategy, 02B702792, Dated 01/03/2017, GVA
- Commercial Agents Report, Dated 28/11/2017, Montagu Evans
- Design and Access Statement, Dated November 2016 (With revised Section 5 and 7, Dated August 2017)
- Design Stage Site Waste Management Plan, Dated November 2016, Waterman
- Drainage Statement, 2160114 P1, Dated 29/11/2016, Elliott Wood
- Environmental Statement, Dated November 2016, Waterman
- Environmental Statement: Further Information and Clarification, Dated March 2017, Waterman
- Environmental Statement Addendum: June 2017 Design Changes, Further Information and Clarifications, Dated August 2017, Waterman
- Environmental Statement: Non-Technical Summary, Dated August 2017, Waterman
- Financial Viability Assessment Update Report, Dated August 2017, Redloft
- Internal Daylight & Sunlight Report, Dated

- 10/08/2017, EB7
- Planning Stage BREEAM Report, D1928/REPORTS, Dated 15/11/2016, Waterstone Design
- Planning Stage Energy Statement, D1928/REPORTS, Dated 11/11/2016, Waterstone Design
- Planning Statement, Dated November 2016, GVA
- Planning Statement Addendum, Dated August 2017, GVA
- Operational Waste Strategy, Dated November 2016, Waterman
- Operational Waste Strategy Letter, Dated 07/08/2017, Waterman
- Statement of Community Involvement, Dated November 2016, Newington Communications
- Sustainability Statement, Dated November 2016, Waterman
- Thermal Comfort Analysis, Dated October 2016, Waterstone Design
- Transport Assessment, 5592/001/R01A, Dated August 2017, Robert West

Applicant:	Healey Development Solutions (Millharbour) Limited
Ownership:	Applicant 356 ACQ Limited Millharbour ACQ Limited
Historic Building:	N/A
Conservation Area:	N/A

2.0 EXECUTIVE SUMMARY

- 2.1. The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.
- 2.2. This report considers an application for the demolition of the existing buildings on site and the erection of two buildings of 26 and 30 storeys in height, comprising of 319 residential units on the upper levels, and 1,708sqm of non-residential use on the lower levels.
- 2.3. The site is located within a town centre, opportunity area, and a site allocation which promotes the delivery of a 'strategic housing development'. The site is also highly accessible. It is considered that the introduction of a residential-led mixed use development with supporting commercial and education/social/community uses in a town centre location is acceptable.

- 2.4. It is considered that as the proposal provides an acceptable level of affordable housing (beyond that which can be considered to be the maximum viable level) and a suitable mix of housing (including accessible housing), which is of a high residential standard, the application can be considered acceptable in housing terms.
- 2.5. The proposed design of the scheme is considered to be acceptable in terms of its impact on strategic views and heritage assets, its layout, height, scale and massing, its appearance, landscaping and material palette, and has also been designed in accordance with Secure by Design principles. As such, it is concluded that the application is acceptable in design terms.
- 2.6. The proposal would not significantly adversely impact the amenity of surrounding residents and building occupiers, and would also afford future occupiers of the development a suitable level of amenity, the proposed development can be seen to be in accordance with relevant policy and thus acceptable in amenity terms.
- 2.7. It is considered that as the proposal would not have an adverse impact upon the local highway and public transport network, would provide suitable parking arrangements, and would be serviced in a manner which would not adversely impact the local highway network, the proposal is acceptable in transport and highways terms.
- 2.8. The proposed refuse strategy for the site has been designed to accord with the Council's waste management hierarchy of reduce, reuse and recycle, in accordance with relevant policy.
- 2.9. A strategy for minimising carbon dioxide emissions from the development has been proposed in compliance with the London Plan energy hierarchy and a cash in lieu contribution has been agreed to offset the shortfall. The non-residential elements of the scheme have also been designed to be BREEAM 'Excellent'. The proposal is thus acceptable in energy and sustainability terms.
- 2.10. It is considered that the proposal is acceptable in archaeology, air quality, biodiversity, contaminated land, flood risk, microclimate, solar glare, SUDS, television and radio reception terms, and also in terms of its impact on trees. The scheme would be liable for both the Mayor's and the borough's community infrastructure levy. In addition, it would provide necessary and reasonable planning obligations with respect to affordable housing, local employment and training, carbon off-setting initiatives, and transport and highways matters.
- 2.11. Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material planning considerations which would indicate that it should be refused.

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 **Section 106 legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £129,082 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £9,159 towards employment skills and training to access employment in the commercial uses within the final development (end user phase);
- c) A contribution of £473,400 towards carbon off-set initiatives;
- d) A contribution of £6,500 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total financial contributions: **£618,141**

Non-financial contributions

- a) Delivery of 35% Affordable Housing comprising of 37 intermediate units, and 58 rented units
 - b) Viability review mechanism
 - c) Provision of a welfare facility for the Metropolitan Police;
 - d) Permit free agreement restricting future residents from applying for parking permits;
 - e) 27 construction phase apprenticeships;
 - f) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
 - g) The securing of public access routes and areas of public realm on site including maintenance of these areas;
 - h) S.278 highways and public realm improvement works;
 - i) Management plan to reduce on-site car parking through existing lease re-negotiations or when existing leases expire;
 - j) Residential travel plan.
- 3.2. That the Corporate Director of Place is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.3. That the Corporate Director of Place is delegated authority to recommend the following conditions and informatives in relation to the following matters:

Prior to Commencement Conditions:

1. Construction Environmental Management Plan;
2. Ground contamination site investigation;
3. Details of the protection of retained and nearby trees;
4. Archaeological scheme of investigation;
5. Details of proposed craneage and scaffolding;
6. Piling method statement;
7. Television and radio reception survey;
8. Precautionary emergence survey (bats), if development has not commenced by March 2018;
9. Air quality assessment, if an on-site energy centre is proposed;
10. On-site noise assessment

Prior to Superstructure Works Conditions:

11. Details of proposed wheelchair accessible residential units;
12. Full details of biodiversity mitigation and enhancements;
13. Details and specification of all external facing materials;

14. Details and specification of all soft and hard landscaping, including details of communal amenity space and child play space;
15. Surface water drainage scheme;
16. Details of proposed cycle parking and associated facilities;
17. Details of wayfinding signage;
18. Secure by Design accreditation;
19. Details and specification of external glazing and balustrading;
20. Details of all external CCTV and lighting;
21. Details of extraction and ventilation for Class A3 and A4 uses;

Prior to Occupation Conditions:

22. Confirmation of as built CO2 emissions;
23. Delivery of BREEAM 'Excellent' for non-residential elements of scheme;
24. Ground contamination verification report;
25. Full delivery and servicing plan;
26. Waste management plan;
27. Details and specification of all commercial unit shop fronts and signage;
28. Details of electric vehicle charging points;
29. Confirmation that all proposed plant complies with noise level limits

Compliance Conditions:

30. Permission valid for 3 years;
31. Development in accordance with approved plans;
32. Hours of construction;
33. Hours of operation of non-residential uses;
34. Refuse storage to be provided prior to occupation and retained in perpetuity;
35. Cycle storage to be provided prior to occupation and retained in perpetuity.

Informatives

1. Subject to S106 and S278 agreements;
2. CIL liable;
3. Thames Water informatives;
4. National Grid informative;
5. CRT code of practice.

4.0 LOCATION DETAILS, PROPOSAL and DESIGNATIONS

Site and Surroundings

- 4.1. The application site is a rectangular parcel of land which sits in the centre of the Isle of Dogs immediately to the west of the Glengall Bridge, which forms the boundary between Millwall Inner and Millwall Outer docks, and is bounded to the east by Millharbour, to the north by 47 Millharbour and 1-3 Muirfield Crescent, and to the south by Greenwich View Place.

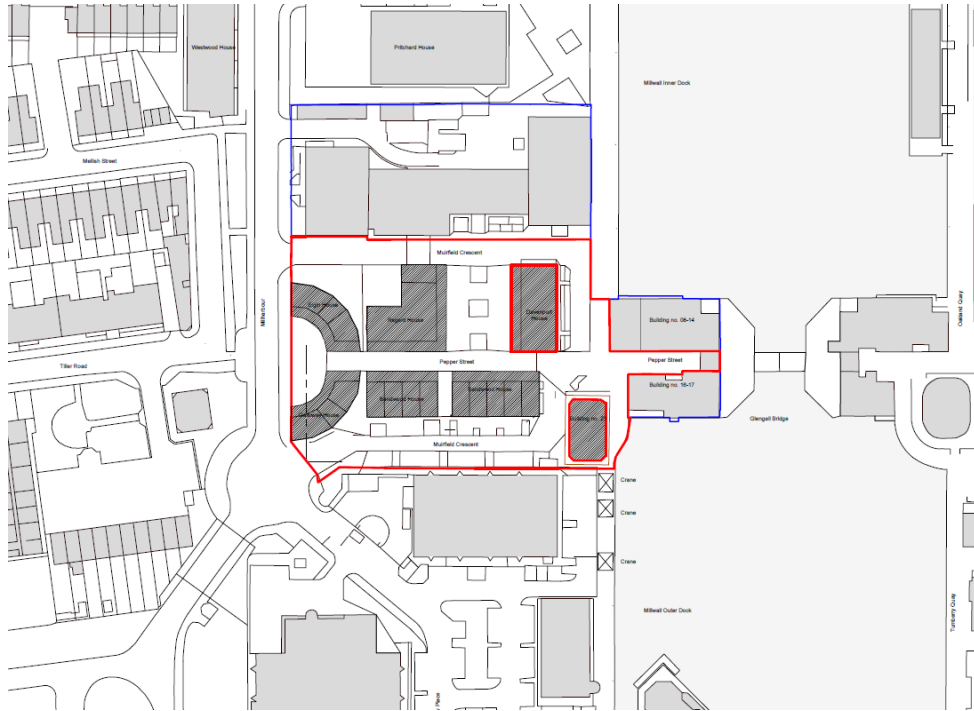


Fig.1 – Application Site

4.2. The application site has a site area of 0.65 hectares and currently comprises of six buildings: Elgin House; Galloway House; Regent House; Waverley House; Sandwood House; and Tayside House. Both Davenport House and 21 Pepper Street (also known as the Pepper Saint Ontiod) are both omitted from the application site boundary. Pepper Street runs through the centre of the site running from east to west and forms an important route for both pedestrians and cyclists connecting both the east and west sides of the Island. Muirfield Crescent which is predominantly used as a servicing route also runs through the site in the form of a horseshoe and effectively forms the north, east and south borders of the application site.



Fig.2 – Aerial View of Application Site

- 4.3. The existing buildings on site all date from the late 1980s and range in height from 3 to 4 storeys (including ground). The predominant use across the site is commercial office space (B1), with retail (A1) uses at ground floor, and ancillary car parking at basement level which is accessed from Millharbour. Davenport House is a 4 storey office building (B1) and 21 Pepper Street is a 2 storey public house (A4), however neither of these two buildings form a part of the application site.
- 4.4. 47 Millharbour and 1-3 Muirfield Crescent (also known as Archway House and Bellerive House) which sit to the north of the application site are of similar appearance to the properties on the application site, range from 5 to 8 storeys in height, and are in use for both office (B1) and data centre (B8) uses. Archway House is also currently in the process of being extended to provide further B8 floor space. To the north of these buildings is 45 Millharbour which is a newly constructed residential (C3) development of modern appearance ranging from 7-14 storeys in height.
- 4.5. 1 Greenwich View Place to the south of the application site is currently being redeveloped to provide a new data centre (B8) of 3 storeys in height which will largely follow the existing footprint of the existing data centre building. This building will link into the new data centre at 2-4 Greenwich View Place and is clad in a mixture of glazing and granite faced cladding panels.
- 4.6. 8-19 Pepper Street to the west of the application site is also of similar appearance to the properties on the application site, ranges from 3 to 5 storeys in height and is in residential (C3) use with a small internal car park at ground floor level. This building is laid out in a horseshoe shape with Pepper Street passing through the middle and sits at the western end of the Glengall Bridge.
- 4.7. Millharbour runs along the western boundary of the application site terminating just to its south, and to the west side of Millharbour sit Mellish Sreet, Tiller Road and Omega Close. Development within this area is predominantly residential ranging from 2 to 4 storeys in height and is a mixture of pre-war, post-war and contemporary period buildings.
- 4.8. The site does not fall within a designated conservation area and does not sit within close proximity to any statutory or locally listed buildings.

Proposal

- 4.9. The applicant is seeking planning permission for the redevelopment of the site for the erection of two new buildings of 30 (Building A) and 26 (Building B) storeys which together comprise 1,708sqm of retail and nursery uses at ground and mezzanine floor levels, with 319 residential units above (comprising a mixture of private market and affordable housing), as well as enhanced public realm including an east-west route linking Millharbour with Glengall Bridge and private amenity and play space.
- 4.10. The 1,708sqm of non-residential uses proposed comprise of 572sqm of retail (A1) floor space across 4 units, 375sqm of restaurant and café (A3) floor space across 2 units, 203sqm of drinking establishment (A4) floor space within 1 unit, and 558sqm of non-residential institution (D1) floor space, in the form of a nursery. All of the non-residential uses are proposed at either ground or mezzanine levels across Buildings A and B.

4.11. In relation to the 319 residential units proposed on the upper levels of both buildings, 35% of these would be affordable housing by habitable room. In dwelling numbers this will comprise 224 market units, 37 intermediate units and 58 social/affordable rented units. The details of this provision, in terms of tenure and unit type mix is set out in the below tables:

Tenure	Units	As a %	Habitable Rooms	As a %
Market Sector	224	70%	597	65%
Intermediate	37	12%	95	10%
Social/Affordable Rented	58	18%	228	25%

Fig.3 – Number and Percentage of Units and Habitable Rooms by Tenure

Tenure	1-bed	2-bed	3-bed	4-bed
Market Sector	89	121	14	0
	40%	54%	6%	0%
Intermediate	16	21	0	0
	43%	57%	0%	0%
Social/Affordable Rented	14	14	22	8
	24%	24%	38%	14%

Fig.4 – Unit Types by Tenure

4.12. The taller Building A which stands at 30 storeys in height has an above ordnance datum (AOD) height of 102.3m and sits in the north-western corner of the site to the north of Pepper Street and directly to the east of Millharbour. The shorter Building B which stands at 26 storeys in height has an AOD height of 90.05m and sits in the south-eastern corner of the site to the south of Pepper Street and directly to the west of 21 Pepper Street. Both Building's A and B feature a larger podium structure of 3 storeys in height, with Building B's podium structure extending to 5 storeys in height on its western elevation. Pepper Street is proposed to be widened, and a new pocket park along with two new public spaces are also to be provided on the site.



Fig.5 – Proposed Site Layout

- 4.13. Communal amenity space for future residents of the development is proposed to be provided within both Building's A and B. An internal resident's lounge at 1st floor level measuring 226sqm is to be provided within Building A and a roof top external communal garden measuring 171sqm is to be provided within Building B. Dedicated play space for various age groups is also to be provided across both buildings, with Building A featuring an external play area measuring 400sqm at podium level, Building B featuring both internal and external play space measuring 612sqm at podium level, and a further 338sqm of child play space being provided within the pocket park to the front of Building B.
- 4.14. The proposed development incorporates an enlarged basement level which will provide for all the servicing requirements of the development as well as providing long stay cycle parking and blue badge parking for the development. Short stay cycle parking for the development is provided at surface level within the proposed landscaping. A total of 8 blue badge parking spaces, 570 long stay cycle parking spaces and 38 short stay cycle parking spaces are proposed.

Designations

- 4.15. The site sits within the Isle of Dogs and South Poplar Opportunity Area and will form a key part of the Mayor of London's 'City in the East' project which seeks to promote the development of the east of London as an integrated part of the capital. Whilst the planning framework document for the Isle of Dogs and South Poplar Opportunity Area is currently in the process of being prepared, it is envisaged that this area will deliver up to 30,000 new homes and 110,000 new jobs over the next 20 years.
- 4.16. The site is identified as an Area of Regeneration in the London Plan and sits within the Isle of Dogs Activity Area (a form of town centre) where a mixture of uses which provide a transition between the scale, activity and character of Canary Wharf major town centre and the surrounding places will be supported.
- 4.17. The site is located within Site Allocation 17 (Millennium Quarter) as per the Council's Local plan. The allocation envisages a comprehensive mixed-use redevelopment to provide a strategic housing contribution and a district heating facility where possible. The Allocation also states that developments should include commercial floor space, open space and other compatible uses and advises that development should recognise the latest guidance for Millennium Quarter. The site continues to be within a site allocation within the Council's emerging local plan.
- 4.18. The site sits within Flood Zone 3 as designated by the Environment Agency which is defined as being land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, ignoring the presence of defences. The adjacent Millwall Outer Dock is also designated as a Site of Importance for Nature Conservation (SINC).
- 4.19. The site, as with the whole Borough, sits within an Air Quality Management Area and the London City Airport Safeguarding Zone.
- 4.20. The site is within the London Plan Views Management Framework (LVMF). Of particular relevance are the views from the General Wolfe Statue in Greenwich Park, the wider Maritime Greenwich World Heritage Site and views of Tower Bridge from London Bridge.

- 4.21. The site is also located on the Tower Hamlets 'Green Grid' network, sits within an area of potential contaminated land risk and sits within CIL charging zone 1.

Relevant Planning History

Application Site

- 4.22. PA/07/01785 - Outline application for redevelopment to provide an eight storey building plus plant (not exceeding 29.5m in height) comprising retail/restaurant (Class A1/A3) use at ground floor with 89 residential units above and reconfiguration of existing basement car park (including access arrangement over adjoining land at 47 Millharbour, 1 and 2 to 4 Muirfield Crescent), associated servicing and landscaping. (Permission granted 16/04/2008, but not implemented)
- 4.23. PA/11/00921 - Application to replace extant outline permission ref PA/07/1785, dated 16/04/08, in order to extend the time limit for implementation for the redevelopment to provide an eight storey building plus plant (not exceeding 29.5m in height) comprising retail/restaurant (Class A1/A3) use at ground floor with 89 residential units above and reconfiguration of existing basement car park (including access arrangement over adjoining land at 47 Millharbour, 1 and 2 to 4 Muirfield Crescent), associated servicing and landscaping. (Permission granted 29/03/2012, but not implemented)
- 4.24. PA/14/03585 - Demolition of the existing buildings and structures and redevelopment of the site to provide a residential-led mixed use development comprising one building of up to 45 storeys and two buildings of up to 15 storeys each. Provision of up to 484 residential (Class C3) units in total together with retail (Class A1-A4) space, community / other non-residential institution (Class D1) space, open space, amenity space, landscaping, access, servicing, car parking, cycle parking, plant, storage, ancillary residential facilities and associated works. (Application withdrawn 31/03/2016)



Fig.6 – Previously Withdrawn Scheme (PA/14/03585)

- 4.25. PA/15/00838 - Application for reserved matters on design including layout, external appearance and landscaping pursuant to condition 2 following outline planning permission refs PA/07/01785 and PA/11/00921. (Permission granted 04/06/2015, but not implemented)

Surrounding Sites

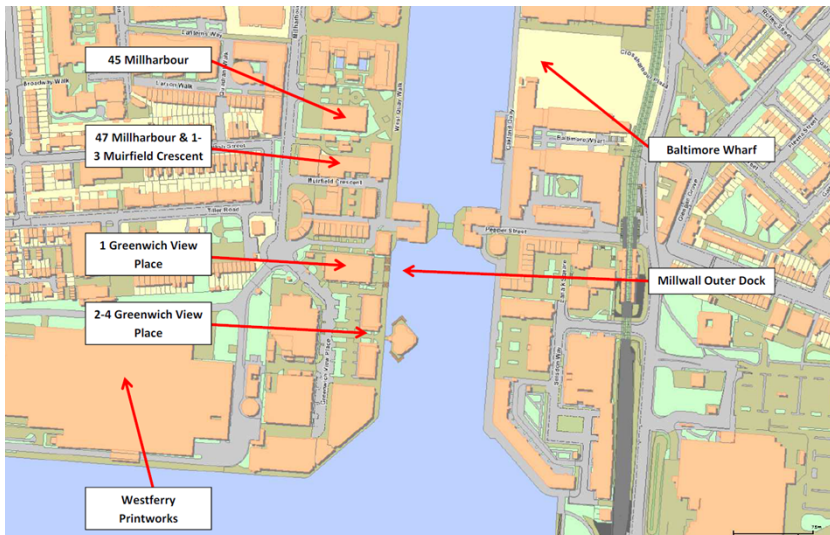


Fig.7 – Location of Surrounding Sites

21 Pepper Street

- 4.26. PA/11/01036 - Provision of a new floor at second floor level and associated changes to roof of existing development to accommodate required internal head height. Development currently a public house at ground and first floor use to be

retained. New floor at second to be used as a 2 bedroom flat. (Permission granted 12/07/2011)

45 Millharbour

- 4.27. PA/11/00798 - Demolition of all existing buildings and erection of a part 7 storey & part 14 storey mixed use building comprising 880sq.m of ground floor commercial (A2/A3/B1) floorspace, 132 residential flats (C3), ground level public open space and associated underground parking. (Permission granted 27/02/2012)
- 4.28. PA/13/02210 - Section 73 Application for variation of condition 2 (approved plans) of planning permission dated 27 February 2013, reference number PA/11/00798 which gave consent for the *"Demolition of all existing buildings and erection of a part 7 storey & part 14 storey mixed use building comprising 880sq.m of ground floor commercial (A2/A3/B1) floorspace, 132 residential flats (C3), ground level public open space and associated underground parking."* Amendments proposed include: Increase in size of the residential entrance; reduction in size of the A2 floor space within Block A; and reconfiguration of private residential units to increase the number of private residential from 100 to 106 residential units. (Permission granted 09/12/2013)
- 4.29. PA/16/03056 - Section 73 Application for variation of condition 2 (approved plans) of planning permission PA/13/02210 dated 09/12/2013 which gave consent for the *"Demolition of all existing buildings and erection of a part 7 storey & part 14 storey mixed use building comprising 880sq.m of ground floor commercial (A2/A3/B1) floorspace, 132 residential flats (C3), ground level public open space and associated underground parking."* Amendments proposed include: Ground floor reconfiguration; introduction of Mezzanine level; ground floor louvres; landscaping levels and design; plant and Photovoltaic at roof level. (Application withdrawn 03/03/2017)

47 Millharbour and 1-3 Muirfield Crescent

- 4.30. PA/06/00893 - In outline, redevelopment to provide 143 residential units in buildings of up to 10 storeys in height with A1 and A3 use at ground floor level with reconfiguration of existing basement car park, associated servicing and landscaping. (Permission granted 10/07/2007)
- 4.31. PA/10/01177 - Application to replace extant planning permission in order to extend the time limit for implementation of Planning Permission Ref: PA/06/893 [Outline development to provide 143 residential units in buildings of up to 10 storeys in height with an A1 and A3 use at ground floor level with reconfiguration of existing basement car parking, associated servicing and landscaping]. (Permission granted 03/09/2010)
- 4.32. PA/13/00803 - Change of use from business (Use Class B1) to data centre (Use Class B8) extensions to and refurbishment of Archway House to include two additional floors of data centre use with associated plant. (Permission granted 13/12/2013)
- 4.33. PA/14/00604 - Application under S73 of the Town and Country Planning Act for a minor material amendment to Planning Permission PA/13/00803, dated 13/12/2013 for a variation to condition 2 to allow substitute plans for the following amendments: Infilling of part of the first floor, to provide an additional 400sqm (Gross Internal Area) within the approved building envelope and a further 666sqm (Gross Internal

Area) of covered plant area to the sixth floor; and a subsequent change in roof profile to accommodate plant equipment, from 30m to 32.1m maximum height. (Permission granted 30/01/2015)

1 Greenwich View Place

- 4.34. PA/11/01481 – Upgrading of existing data centre building including alterations to existing louvres, installation of additional louvres, addition of doors, cladding of existing exit door, demolition of existing substation and re-construction to current EDF standards; new 2.5m high palisade boundary fence to rear. (Permission granted 03/08/2011)
- 4.35. PA/16/01026 – Demolition of existing data centre buildings and the erection of a single 3 storey data centre building landscaping, roof level plant and associated works; erection of an enclosed elevated pedestrian link. (Permission granted 31/10/2016)

2-4 Greenwich View Place

- 4.36. PA/12/02055 - Demolition of existing office buildings (B1) and the erection of a three storey data centre building (Class B8), landscaping roof level plant and associated works; erection of an enclosed elevated pedestrian link and retention of office building (Unit 3). (Permission granted 14/03/2013)
- 4.37. PA/16/00027 - Application for variation of condition 2 (compliance with plans) of planning application dated 07/10/2013, ref: PA/12/02055. (Permission granted 07/03/2016)

Millwall Outer Dock

- 4.38. PA/16/01798 - Erection of a 16 berth residential mooring, including the installation of mooring pontoons and associated site infrastructure. (Permission refused 20/06/2017)

Baltimore Wharf

- 4.39. PA/06/02068 - Redevelopment by the erection of 8 buildings 7 to 43 storeys to provide 149,381 sq m of floor space over a podium for use as 1057 residential units, 25,838 sq m of Class B1 (offices), a 149 room hotel; a 10,238 sq m. apart-hotel; a Class D1/D2 community facility of 1,329 sq m, 2,892 sq m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sq m, associated car parking, landscaping including new public open spaces and a dockside walkway. (Revised scheme following grant of planning permission PA/04/904 dated 10th March 2006).
- 4.40. PA/08/00504 - Amendment to the approved application, reference PA/06/2068, permitted on 3rd October 2007 involving revised designs, layout and land uses, removing Office (B1) uses and providing 6 additional hotel rooms (143 in total), 195 serviced apartments, 54 additional residential units (1111 in total), additional retail floorspace, a health club and additional open space.

Westferry Printworks

- 4.41. PA/15/02216 - Demolition of existing buildings and structures at the former Westferry Printworks site and the comprehensive mixed use redevelopment including buildings ranging from 4- 30 storeys in height (tallest being 110m AOD) comprising: a secondary school (Class D1), 722 residential units (Class C3), retail use (Class A1), flexible restaurant and cafe and drinking establishment uses (Class A3/A4), flexible office and financial and professional services uses (Class B1/A2), Community uses (Class D1), car and cycle basement parking, associated landscaping, new public realm and all other necessary enabling work (Amended description of development).

5.0 POLICY FRAMEWORK

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

- 5.2. The list below contains the most relevant policies to the application:

5.3. Government Planning Policy

National Planning Policy Framework (March 2012) (NPPF)
National Planning Guidance Framework (March 2014) (NPPG)

5.4. 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
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 3.18 Education facilities
- 4.1 Developing London's economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector and related facilities and services
- 4.12 Improving opportunities for all
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4A Electricity and gas supply
- 5.5 Decentralised energy networks

- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.17 Waste capacity
- 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
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 7.26 Increasing the use of the blue ribbon network for freight transport
- 7.30 London's canals and other river and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

5.5. **Core Strategy 2010**

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP07 Improving education and skills
- 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

5.6. **Managing Development Document April 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
- DM12 Water spaces
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM18 Delivering schools and early learning
- 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

5.7. **Supplementary Planning Documents**

- Character and Context SPG (June 2014)
- Development Viability SPD (October 2017)
- Homes for Londoners: Affordable Housing and Viability SPG (August 2017)
- Housing SPG (March 2016)
- London View Management Framework SPG (March 2012)
- London's World Heritage Sites - Guidance on Settings SPG (March 2012)
- Millennium Quarter Public Realm Guidance Manual (2008)
- Planning for Equality and Diversity in London (October 2007)
- Planning Obligations SPD (September 2016)
- Shaping Neighbourhoods Accessible London: Achieving an Inclusive Environment SPG (October 2014)
- Shaping Neighbourhoods: Play and Informal Recreation SPG (September 2012)
- Social Infrastructure SPG (May 2015)
- Sustainable Design and Construction SPG (April 2014)
- The Control of Dust and Emissions During Construction and Demolition SPG (July 2014)
- Tower Hamlets CIL Charging Schedule (April 2015)
- Town Centres SPG (July 2014)

6.0 **CONSULTATION RESPONSE**

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

INTERNAL RESPONSES

Conservation and Design Advisory Panel (CADAP)

- 6.3. The proposal has been presented to CADAP on two occasions, with the panel raising concerns with the manner in which the design responded to the local character, the quantity and quality of provision of public realm, communal amenity and child play space, the architectural articulation of the proposed buildings and the impact of the proposals on the data centres on the adjacent sites.
- 6.4. In response to these comments the applicant has made notable amendments to the scheme which are discussed further in the 'Material Planning Considerations' section of this report.

LBTH Education Development Team

- 6.5. No objection.

LBTH Environmental Health – Air Quality

- 6.6. The submitted air quality assessment is acceptable. In the event that a connection to the Barkantine heat network is not feasible and an on-site energy centre is required, an air quality assessment must be submitted in order to demonstrate that the impacts of the energy centre on local air quality is acceptable and that the energy centre meets the GLA's air quality neutral policies.

LBTH Environmental Health – Contaminated Land

- 6.7. A full site investigation report will be required prior to the commencement of works, and a full verification report will be required prior to occupation of the development.

LBTH Environmental Health – Noise and Vibration

- 6.8. No comments received.

LBTH Environmental Health – Smell and Pollution

- 6.9. No comments received.

LBTH Occupational Therapist

- 6.10. The proposed residential units meet relevant standards (90% M4(2) 'accessible and adaptable dwellings' and 10% M4(3) 'wheelchair user dwellings'). A condition securing the proposed units in line with these standards and requiring detailed layouts of the wheelchair accessible units should be imposed.

LBTH Senior Arboricultural Officer

- 6.11. The proposed development successfully mitigates for the proposed tree losses and is acceptable subject to conditions requiring a detailed planting scheme, and details of how retained trees both on and close to the site will be protected during construction works.

LBTH SUDS Team

- 6.12. Prior to the commencement of any superstructure works, a surface water drainage scheme for the site based on sustainable drainage principles will be required to be submitted.

LBTH Transport and Highways

- 6.13. The proposed development is to be car free which is welcomed, and a permit free agreement should be secured under S.106 in the event planning permission is granted. Whilst the number of blue badge spaces proposed falls short of London Plan requirements, the quantum can be considered acceptable subject to a car parking management plan being secured under S.106 which would require existing car parking spaces to be removed/or reallocated to blue badge users as and when leases expire or are renegotiated.
- 6.14. The proposed quantum of cycle parking spaces is in accordance with the 2015 FALP standards which is welcomed and further details in terms of access to the cycle stores should be provided. The applicant should provide a portion of 'Sheffield' type cycle stands as well as stands for adapted cycles for the residential element of the development, and provide washing and changing facilities for the non-residential element of the development. In the event that planning permission is granted further details of the proposed cycle parking should be conditioned as well as a requirement to retain and maintain the proposed cycle parking for the lifetime of the development.
- 6.15. The applicant proposes to widen Pepper Street which is welcomed and a design which minimises street clutter along Pepper Street should be pursued. Officers would also encourage the applicant to remove vehicular traffic from Pepper Street and re-route it via Muirfield Crescent instead. At pre-app stage it was requested that public realm improvements to link this development to future development on the other side of Millharbour should be incorporated, and such works should be secured via a S.278 agreement.
- 6.16. Further details regarding servicing are required and a full service and delivery management plan will need to be secured by condition. Officers would encourage the applicant to remove servicing routes from Pepper Street in order to reduce conflict with pedestrians and cyclists. A demolition and construction management plan should also be conditioned prior to the commencement of works taking place on site.
- 6.17. In terms of trip generation created by this development, the submitted figures contained within the transport assessment should include the proposed nursery use. Furthermore the baseline travel surveys included within the assessment need to be updated as they are taken from 2014 and are thus out of date, and a cumulative survey (taking into account other nearby committed developments) should also be included. A travel plan for all proposed uses should also be conditioned prior to the first occupation of the development.

LBTH Waste Policy and Development

- 6.18. The applicant is required to clarify whether the proposed quantum of bins have been proposed for either a once weekly or twice weekly collection. The applicant should also explore alternative methods of waste collection in order to reduce the amount of vehicular trips required to make refuse collections. Further clarification is also required regarding: how waste collection for the proposed town houses would

be managed; the distances between the bins and doors to the refuse stores; and the management of the bulk storage area.

EXTERNAL RESPONSES

Association of Island Communities

- 6.19. No comments received.

Barkantine Tenants Association

- 6.20. No comments received

Canal and River Trust

- 6.21. A condition requiring further details of the proposed hard and soft landscaping should be imposed, and the Council should give consideration to funding improvements to the public realm alongside Millwall Inner Dock from CIL receipts. Whilst the trust have no significant concerns to raise on the environmental impact of this development, the Council should fully consider the impact of development on the wind microclimate alongside the docks, and the trust should be consulted with on any Construction Environmental Management Plan when submitted in order that we can consider whether there are any potential impacts on the docks. An informative regarding the trust's 'Code of Practice' for works should also be appended to the decision notice should planning permission be granted.

Crime Prevention Officer

- 6.22. Given the high levels of locally reported crimes it is recommended that a condition requiring the development to achieve Secure by Design accreditation is imposed in the event that planning permission is granted. It is also considered that this development is well placed to deliver a small 'welfare' facility for offices on duty and this should be secured via a S.106 agreement.

East End Preservation Society

- 6.23. No comments received.

Environment Agency

- 6.24. We have no objections to the planned development. Although the site is located within Flood Zone 3 and is protected to a very high standard by the Thames Tidal flood defences, flood modelling shows that it is at risk if there was to be a breach in the defences or they were to be overtopped. This proposal does not have a safe means of access and/or egress in the event of flooding from all new buildings to an area wholly outside the floodplain, however, safe refuge within the higher floors of the development has been suggested by the applicant. To improve flood resilience, we recommend that finished floor levels are set above the 2100 breach level which is 5.46m AOD.

Greater London Authority

- 6.25. The proposed mixed-use development, to include housing and commercial uses to serve the local population, is strongly supported in accordance with strategic planning policy.

- 6.26. The principle of a PRS (Private Rented Sector) housing scheme in this highly accessible location within an opportunity area is also supported, however the current affordability of the offer is not consistent with the requirements of the Mayor's draft Affordable Housing and Viability SPG. The applicant should explore the possible inclusion of the London Living Rent product and should also test whether the scheme can viably deliver 40% affordable housing with grant funding.
- 6.27. The proposed density of the scheme exceeds the guidance range set out in the London Plan, however as no strategic concern is raised with regard to scale and massing, the proposal responds positively to London Plan design policies, is of a high residential quality, and provides appropriate levels of play space, the density of the scheme can be considered acceptable.
- 6.28. The layout of the scheme is well resolved, and the improvements to Pepper Street are also welcomed, however the retention of Davenport House and 21 Pepper Street does limit the configuration and quantum of the proposed public realm, and a comprehensive scheme involving the demolition of these building would deliver notable benefits. The residential layouts on the lower levels of Building B have also been designed so as not to impact on the future development potential of the site to the south which is welcomed.
- 6.29. The proposed building heights would be taller than the emerging context along this part of Millharbour, however would be similar to other permitted schemes nearby such as Baltimore Wharf and Westferry Printworks. Whilst the towers would be prominent in local views, given the high standard of architecture proposed and the emerging context within the opportunity area, the height of the proposal does raise strategic concern. When viewed from the east and west the proposal would be seen to step away from the taller buildings in the Canary Wharf cluster and South Quay, and it is not considered that the proposal has a detrimental impact on any of the LVMF views in which it would be visible, nor would it harm the setting of the MGWHS or any other heritage assets and as such the height of the proposal is therefore acceptable with regard to heritage and strategic views. The overall design approach is supported and will result in a high quality contemporary design.
- 6.30. The residential quality of the scheme is high and is therefore acceptable in terms of residential quality. There would be no more than 8 units per core and dual aspect units are maximised, with no single aspect north-facing units, which is welcomed. All dwellings meet or exceed the minimum space standards, and would be in overall conformity with the minimum standards for external amenity space. The scheme also achieves a minimum residential floor to ceiling height of 2.5 metres.
- 6.31. The applicant has confirmed that all residential units will meet Building Regulation M4(2) standards, and that 10% of the units will be designed to be fully adaptable and adjustable to wheelchair users (M4(3) standard) which would be distributed across unit types and tenures. The proposals would also ensure level and inclusive access to the non-residential uses and throughout the public realm, which is welcomed. Four Blue Badge spaces are proposed in the basement, which does not comply with London Plan standards, and this provision should be increased.
- 6.32. A range of energy efficiency measures are proposed, including low energy lighting and energy metering and monitoring. The proposed development does not achieve any carbon savings from energy efficiency alone compared to 2013 Building Regulations and additional energy efficiency measures should be explored. The applicant proposes to connect to the Barkantine district heating network which is

welcomed. A range of renewable technologies have been investigated and a photovoltaic (PV) array is proposed, however the applicant should investigate increasing the amount of PV to maximise on-site savings. The proposal expects to achieve an overall carbon saving of 32% for the residential element and 17% for the commercial element compared to the 2013 Building Regulations and the applicant should consider additional energy efficiency measures before the LPA agree a carbon offsetting payment.

- 6.33. Whilst the proposals are acceptable in relation to flood risk, there is a concern that the surface water drainage design does not maximise the opportunity to reduce surface water discharge. The applicant should consider further alternative designs and, given the location adjacent to Millwall Dock, further consideration should be given to connecting directly to the dock.
- 6.34. The widening and redesign of Pepper Street is welcomed, however further clarification is required on how the design of Pepper Street avoids potential conflicts between pedestrians, cyclists and vehicles. New wayfinding signage should also be proposed within the site to encourage walking and cycling, and 24 hour public access through the site should be secured under the S.106 agreement. The proposal will see a reduction of 88 car parking spaces compared with the existing situation, with 4 spaces designated as Blue Badge spaces and 54 spaces allocated to existing leaseholders in the area. Whilst the reduction in car parking spaces is welcomed the applicant should explore the possibility of reallocating leaseholder spaces to increase Blue Badge provision. The proposed quantum of cycle parking is acceptable and further details of this provision should be provided.
- 6.35. A full delivery and servicing plan and construction logistics plan should be secured by condition and the application should also demonstrate how this key east-west route through the site will remain functional during construction. The submission of a framework residential travel plan and a full travel plan should be secured through condition or S.106 agreement.

Greenwich Society

- 6.36. No comments received.

Historic England

- 6.37. Historic England is pleased to find the present application shows dramatic improvements when compared to the previous application for this site (PA/14/03585) and substantially addresses the concerns raised by Historic England under that application. Historic England recommends that the present application should be determined in accordance with national and local policy guidance, and on the basis of LBTH's specialist conservation advice.

Historic England Archaeology

- 6.38. The planning application lies in an area of archaeological interest. A condition is therefore recommended 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.

Isle of Dogs Community Foundation

- 6.39. No comments received.

Isle of Dogs Neighbourhood Planning Forum

- 6.40. No comments received.

London City Airport

- 6.41. The proposed development has been examined from an aerodrome safeguarding perspective and from the information given LCA has no safeguarding objection. A condition requiring details of the location, maximum operating height and duration of any cranes or scaffolding to be erected on site if they exceed the height of the proposed development has been requested.

London Fire and Emergency Planning Authority

- 6.42. Pump appliance access and water supplies for the fire service appear adequate. In other respects this proposal should conform to the requirements of part B5 of Approved Document B. The LFEPA strongly recommends that sprinklers are considered within this development.

Mill Quay Residents Association

- 6.43. No comments received.

Millwall Tenants Association

- 6.44. No comments received.

National Air Traffic Services

- 6.45. The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.

National Grid

- 6.46. Due to the presence of National Grid apparatus in proximity to the application site, the developer should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works.

Natural England

- 6.47. Based on the plans submitted Natural England does not object to these proposals. Natural England welcome the fact that the landscaping gives priority to pedestrians and cyclists and that the development seeks to ensure a net gain for biodiversity. Care should be taken to assess the impact of the development on the adjacent SINC, in particular the effect of overshadowing from the development.

Thames Water Authority

- 6.48. No objection to the proposal subject to a condition requiring the submission of a piling method statement, and informatives noting the presence of large water mains crossing the application site and the minimum pressure able to be provided by Thames Water.

Transport for London

- 6.49. TFL has no objection to the applicant's PTAL recalculation of the site and do not consider that the proposed development would have a material impact upon the transport network. TFL welcome the proposed improvements to Pepper Street and would encourage the applicant to consider the introduction of wayfinding signage such as Legible London signage.
- 6.50. Whilst below the London Plan requirements, the quantum of proposed blue badge parking is welcomed given the site's proximity to the DLR which is fully step free. A car parking management plan which outlines how blue badge parking will be allocated and a plan for car parking when existing leases expire should be conditioned and the applicant should also clarify the location of electric vehicle charging points (EVCP's). The proposed cycle parking provision within the development is welcomed as is the submitted draft construction logistic plan (CLP), and a full CLP should be conditioned in the event that planning permission is granted.

7.0 LOCAL REPRESENTATION

Applicant's Consultation

- 7.1. The applicant held two public exhibitions in the form of an afternoon and evening session on separate days in September 2016 on the development site. A total of 5,000 leaflets making local residents aware of the proposals and the public exhibitions were distributed within the local area in September 2016 along with an advert in the local press. A number of key stakeholders, including local councillors and residents associations, were also contacted with the offer of individual briefings on the proposals in the event that they could not attend the exhibitions.

Statutory Representations

- 7.2. A total of 2906 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site by way of a site notice and advertised in the local press. Following amendments a further round of consultation took place.
- 7.3. The number of representations received in response to notification and publicity of the application is as follows:

Initial Representations:

No of individual responses: Objecting: 15
Supporting: 0

No of petition responses: Objecting: 1 containing 13 signatories
Supporting: 0

Following Re-consultation:

No of individual responses: Objecting: 8 (*of which 2 initially objected*)
Supporting: 0

No of petition responses: Objecting: 0

Supporting: 0

7.4. The following issues were raised in objection to the proposal:

- Impact on infrastructure (e.g. doctors surgeries, dental practices, local road network, DLR etc.)
- Noise pollution and dust generated from construction activities
- Height of proposal
- Design of proposal is uninspiring
- Proposal does not 'step down' from developments to the north
- Adverse impact on protected views from Maritime Greenwich
- Overshadowing and impact on daylight/sunlight
- Overdevelopment of site
- Lack of open space within development
- The existing buildings on site are attractive and viable for existing businesses
- Adverse impact on the local character of the area
- Creation of a 'wind tunnel effect' along Millharbour

7.5. These issues are considered within the following section of the report.

8.0 MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Density
- Housing
- Design
- Amenity
- Highways and Transport
- Waste
- Energy Efficiency and Sustainability
- Environmental Considerations
- Environmental Impact Assessment
- Impact Upon Local Infrastructure/Facilities
- Other Local Finance Considerations
- Human Rights Act 1998
- Equalities Act 2010

Land Use

Policy Context

8.2. Paragraph 24 of the NPPF states that local planning authorities should require applications for main town centre uses to be located in town centres, and paragraph 49 on the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

8.3. Policy 2.13 of the London Plan (2016) seeks to ensure that developments within Opportunity Areas "*support the strategic policy directions for the Opportunity Area*" and "*seek to optimise residential and non-residential output and densities*".

- 8.4. The Council's Core Strategy policy SP01 states that the Tower Hamlets Activity Area should provide a transitional area that is complementary, yet different, to the distinct designation of Canary Wharf major town centre, through the promotion of a vibrant mix of uses that are economically competitive.
- 8.5. The Council's Managing Development Document policy DM1 states that "*within the Tower Hamlets Activity Areas (THAA), a mix of uses will be supported*" and that "*development proposals should be mixed use schemes with active uses at ground floor level with residential or office space on upper floors*". Policy DM3 states that "*development should maximise the delivery of affordable housing on-site*" and that "*development should provide a balance of housing types, including family homes, in accordance with the breakdown of unit types set out within the most up-to-date housing needs assessment*".
- 8.6. Finally Site Allocation 17 (Millennium Quarter) which this site forms a part of seeks to deliver "*a comprehensive mixed-use development opportunity required to provide a strategic housing development and a district heating facility (where possible). The development will also include commercial floorspace, open space and other compatible uses*".

Loss of Existing Office Floor Space

- 8.7. The existing site currently features 3,548sqm of B1(a) (office) floor space which employs circa 120 employees, and it should be noted that these figures do not include either Davenport House or 21 Pepper Street as they sit outside of the red line boundary. The proposed development does not seek to provide any B1(a) (office) floor space.
- 8.8. Whilst part 1 of Policy DM15 states that "*development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition*", paragraph 15.4 of the policy supporting text states that part 1 of Policy DM15 does not apply to site allocations, and as such the loss of the existing office floor space can only be assessed against part 2 of this policy which outlines that suitable accommodation within the borough or elsewhere must be found for any businesses displaced as part of a development proposal unless it can be shown that the needs of the business are better met elsewhere.
- 8.9. The applicant has submitted details regarding the existing commercial operators on the site as well as a proposed relocation strategy for those businesses being displaced by this development. At present circa 80% of the existing B1(a) (office) floor space on the application site is vacant which the applicant argues is due in part to the fact that existing buildings are not constructed to modern day standards and are inefficient. The remaining floor space is currently being occupied by 4 tenants all of whom are on flexible short term leases with a maximum notice period of '6 weeks' in the knowledge of the future redevelopment proposals for the site, and as such the longer term needs of these businesses are currently unable to be satisfied on this site. Notwithstanding the limited number of existing businesses on this site and the fact that all of the remaining occupiers are subject to flexible arrangements with short notice periods the applicant has also outlined that they would be willing to reasonably assist with the relocation of the existing businesses by offering agency advice and supporting them in finding suitable alternative accommodation.

- 8.10. Given the lack of businesses on site which are on long terms leases (meaning it is unlikely that any businesses would remain in this location in the medium to long term) and the applicant's offer to assist with the relocation of existing businesses on site, the proposed development would not unreasonably adversely impact on existing businesses. As such the loss of the existing office B1(a) (office) floor space can be considered in this instance to be acceptable in order to allow the redevelopment of this site and the delivery of a strategic residential-led development, as per the site's allocation.

Principle of Residential Uses

- 8.11. The proposed development, which is located within a ward (Canary Wharf) where new housing is to be focused (as set out in policy SP02 of the Tower Hamlets Core Strategy 2010), would result in the creation of 319 residential units and would contribute towards the borough's target of delivering 3,931 new homes per year (as set out in policy 3.3 of the London Plan 2016). Furthermore the site is also located within Site Allocation 17 (Millennium Quarter) which seeks to deliver a strategic housing development.
- 8.12. Given the above the principle of a residential-led development on this site is considered acceptable as it would assist the Council in meeting both its housing targets and its aspirations for this part of the borough, namely the Canary Wharf ward and Site Allocation 17 (Millennium Quarter).

Principle of Commercial Uses

- 8.13. The application site sits within the Isle of Dogs Activity Area (a form of town centre) where a mix of uses will be supported in order to provide a transition between Canary Wharf major centre and their surrounding places which can be achieved through introducing active uses at ground floor level. Furthermore, Site Allocation 17 states that development should also include commercial floor space, and other compatible uses.
- 8.14. The existing buildings on site which are to be demolished currently provide 536sqm of A1 (retail) floor space and no other A class floor space. The proposed development seeks to provide a total of 1,150sqm of A class floor space in the form of 572sqm of A1 (retail) floor space across 4 units, equating to an uplift of 36sqm of A1 (retail) floor space on the site, 375sqm of A3 (restaurant and cafe) floor space across 2 units and 203sqm of A4 (drinking establishment) floor space within 1 unit. The proposed A4 (drinking establishment) unit also features a covered colonnade to its north and east elevations which would accommodate additional external seating.
- 8.15. Given the site's location within a town centre location, its current allocation and that the proposed commercial units are of an appropriate scale to serve the local community, the proposed scale and quantum of commercial uses proposed as part of this development can be considered to be acceptable.

Principle of Education and Social/Community Uses

- 8.16. The proposed development seeks to provide a nursery (D1) measuring 558sqm within Building B at ground and mezzanine levels. The nursery would provide spaces for up to 50 children (in 2 classes of 25) and would accommodate spaces for teaching, learning resources, staff, storage, dining and social activities, WC's, circulation, indoor and outdoor hard and soft play, and outdoor habitat space.

- 8.17. Whilst this site has not been formally identified as a location for a nursery the applicant has submitted evidence to demonstrate a need for this use in this location. This evidence outlines that significant population growth in this part of the borough, including notable growth in the age of 0-4 year olds, and recent Government changes to the levels of free child care available to working families mean that there is likely to be significant demand for further nursery places in this location. Further to this the applicant has also outlined that the design of the proposed nursery meets Ofsted requirements, accords with Building Bulletin 99, and has been designed with input from a potential future education provider. It should also be noted that the site sits within an accessible location for people travelling to the site by either public transport or walking/cycling.
- 8.18. Given that the applicant has demonstrated a need for the nursery (D1) facility in this location, has designed the nursery to take into account relevant guidance, and the location of the nursery is in a highly accessible location, officers are content to support the proposed nursery (D1) facility within this development as it is considered that the requirements of policy DM18 of the Council's Managing Development Document 2013 have been met.
- 8.19. Within the north east corner of Building A, a police welfare facility (sui generis) measuring 10sqm has been proposed at the request of the Metropolitan Police. For the purposes of policy DM8 of the Council's Managing Development Document 2013 policing facilities such as that being proposed are considered to be a form of social/community facility. As the site sits within a designated town centre boundary, the proposed use is local in nature and scale, and a local need has been demonstrated (by way of the Metropolitan Police's request for this facility in this location), officers are content to support the proposed police welfare facility (sui generis) within this development as it is considered that the requirements of policy DM8 of the Council's Managing Development Document 2013 have been met.

Conclusion

- 8.20. The loss of the existing employment floorspace to facilitate the redevelopment of a site allocation, along with the introduction of a residential-led mixed use development with supporting commercial and education/social/community uses in a town centre location such as this, accords with both the area's designations (in regional and local spatial planning documents) and relevant planning policy and is thus considered acceptable.

Density

Policy Context

- 8.21. Policy 2.13 of the London Plan (2016) states that "*development proposals within opportunity areas and intensification areas should seek to optimise the residential and non-residential output and densities*". Policy 3.4 seeks to ensure that new housing developments optimise the use of land by relating the density levels of housing to public transport accessibility levels. The London Plan Housing SPG (2016) states that the density matrix contained within the London Plan (2016) should be applied flexibly rather than mechanistically.
- 8.22. The Council's Core Strategy Policy SP02 also relates density levels of housing to public transport accessibility levels and additionally relates density levels of housing to the hierarchy and proximity of nearby town centres, so that higher

densities are promoted in and around town centres that are higher up in the hierarchy.

Assessment

- 8.23. The application site is a 757m walk (via Millharbour, Marsh Wall, Admirals Way and the existing bridge at South Quay) from Canary Wharf major town centre and as such can be classified to fall within a 'central' setting. The site also benefits from having a PTAL rating of 4 indicating a 'good' accessibility level to public transport infrastructure.
- 8.24. Given the above the London Plan recommends that a suitable sustainable density range for such a site is 650-1100 habitable rooms per hectare (hr/ha).

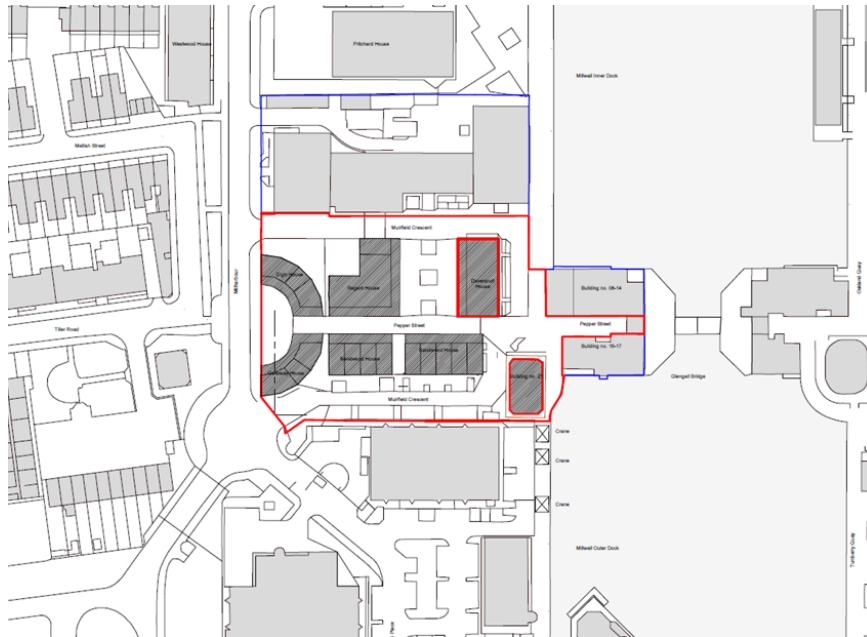


Fig.8 – Application Site

- 8.25. The application site (see Fig.7) has a site area of 0.65ha (excluding Davenport House and 21 Pepper Street) and seeks to provide 920 habitable rooms. In line with the Housing SPG methodology the resulting density is thus calculated as follows:

Total GIA – 32,269sqm
Of which is residential – 30,561sqm (95%)
No. of habitable rooms (920) / 95% of site area (0.62ha)

= Residential density (1,484hr/ha)

- 8.26. Whilst the residential density of this development exceeds the London Plan density guidelines, it should be noted that it is not appropriate to apply the density guidelines mechanistically, and that development should also generally maximise housing output so far as it does not demonstrate adverse symptoms of overdevelopment.
- 8.27. Such adverse symptoms of overdevelopment can include: poor response to local context and character; poor residential and environmental quality; an inappropriate residential mix; inadequate communal amenity or child play space provision; and

inadequate waste/recycling and car parking facilities. In this instance, officers are content that the proposed development does not demonstrate such symptoms, as it is considered to be of a high quality design which does not adversely affect the local context or character (discussed further within the design section of this report), and will also provide future occupiers an acceptable level of amenity (discussed further within the housing and amenity sections of this report).

- 8.28. Furthermore it should be noted that this site sits within an 'Opportunity Area' and town centre, where it is recognised that there is scope for higher density developments, sits within a site allocation which promotes the delivery of a 'strategic housing development', and also benefits from a highly accessible location where the wider transport infrastructure is to be improved by the arrival of the Elizabeth Line (Crossrail). As such officers are content that the proposed density of this development is appropriate, given the scheme's design and location.

Housing

Policy Context

- 8.29. Paragraph 50 of the NPPF states that local authorities should seek *"to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities"*.
- 8.30. Policy 3.5 of the London Plan (2016) states that *"the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children and older people"*. Policy 3.6 states that *"development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs"*. Policy 3.8 states that new developments should *"offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these"*. Policy 3.12 states that *"the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes"*.
- 8.31. The Council's Core Strategy Policy SP02 seeks to *"ensure new housing assists in the creation of sustainable places"*, requires *"35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability)"*, *"a mix of housing sizes on all sites providing new housing"*, and seeks to ensure that *"all housing is appropriate, high-quality, well-designed and sustainable"*.
- 8.32. The Council's Managing Development Document Policy DM3 seeks *"to maximise affordable housing in accordance with the Council's tenure split (70% Social/Affordable Rent and 30% Intermediate)"* and ensure that development provides *"a balance of housing types, including family homes, in accordance with the breakdown of unit types set out within the most up-to-date housing needs assessment"*. Policy DM4 states that *"all housing developments should have adequate provision of internal space in order to provide an appropriate living environment"* and provide amenity space and child play space in accordance with Council standards.

Affordable Housing

- 8.33. The proposal seeks to provide 35% affordable housing by habitable rooms, providing 58 social/affordable rent units (228 habitable rooms) and 37 intermediate units (95 habitable rooms). This represents a 70.5%/29.5% split in favour of social/affordable rented accommodation which meets the Council's preferred 70%/30% split in favour of social/affordable rented accommodation.

Tenure	Units	As a %	Habitable Rooms	As a %
Market Sector	224	70%	597	65%
Intermediate	37	12%	95	10%
Social/Affordable Rented	58	18%	228	25%

Fig.9 – Number and Percentage of Units and Habitable Rooms by Tenure

- 8.34. The affordable housing offer put forward by the applicant is despite the viability report claiming that this offer is substantially over and above the maximum reasonable amount that can viably be supported by the development. As the applicant is however minded to potentially bring this scheme forward as a Private Rented Sector (PRS) scheme, which would mean that the applicant would effectively retain ownership of the units in perpetuity, the applicant is content to accept this position on the basis that their investment is a long term one which over the lifetime of the development would make commercial sense.
- 8.35. As part of the applicant's viability exercise and in line with the Mayor's Affordable Housing and Viability SPG, the applicant has also tested the possibility of the inclusion of grant funding for the affordable units in order to increase the overall affordable housing offer from 35% to 40%. This testing however concluded that even with the inclusion of grant funding, a 40% affordable housing scheme would result in a greater deficit than the currently proposed 35% affordable housing scheme and would thus not be viable for the applicant to pursue.
- 8.36. The applicant's viability report has been reviewed by an independent viability consultant instructed by the Council, who whilst queried some of the figures contained within the report, notably the construction costs of the development and the professional fee allowance, ultimately concluded that despite these differences the scheme would achieve a sizable deficit meaning that the offer put forward by the applicant could be considered to be substantially over and above the maximum reasonable amount that could viably be supported by the development.
- 8.37. The original affordable housing offer put forward by the applicant in December 2016 (when the application was submitted) included the provision of social/affordable rented products at LBTH Framework Rents (the Council's preferred rent levels at the time). Officers have negotiated with the applicant to achieve an amended affordable housing offer which includes these new rent levels (meaning that the applicant has further increased their loss and deficit on the scheme), and the split of social/affordable rented accommodation is outlined in the table below:

Product	Units	As a %	Habitable Rooms	As a %
London Affordable Rent	20	34%	100	44%
Tower Hamlets Living Rent	38	66%	128	56%

Fig. 10 – Breakdown of Social/Affordable Rented Products

- 8.38. Whilst the proposed split between the London Affordable Rent and Tower Hamlets Living Rent products departs slightly from the Council's preferred split of 50%/50%, a greater proportion of larger family sized (3-bed+) units are to be provided at the lower London Affordable Rent levels meaning that when the split is assessed in terms of habitable rooms it falls closer to a 50%/50% split between the two products within the development. When looking at the whole viability position in the round and also taking into account the shifting policy position during the course of the application, officers are content that the offer put forward by the applicant is reasonable and thus can be considered to be acceptable.
- 8.39. With respect to the intermediate provision within the development, the applicant is proposing to provide 16 x 1 bed units and 21 x 2 bed units, all of which will be in the form of shared ownership products. All of these units have been tested against the affordability criteria set out in the Mayor's Affordable Housing and Viability SPG and would be affordable to those with a household income of less than £90,000 (i.e. not exceeding 40% of net income). Whilst the open market value of some of the units would exceed the £600,000 threshold, this is due to the high values associated with this location, and given that the other affordability criteria are met officers are content with the affordability of the proposed intermediate provision within this scheme.
- 8.40. Given that the applicant's affordable housing offer meets the requirements as set out within the Mayor's Affordable Housing and Viability SPG, this scheme has been deemed appropriate by both the Council and the GLA for the 'Fast Track Route'. This process would only require an early viability review in the event that the completion of demolition works to grade level, all ground preparatory works and the commencement of basement excavation works, along with a contract for the formation of the basement structure and above ground superstructure being in place is not achieved within 2 years of the date of consent. Such a requirement would be inserted as a clause within the S.106 agreement in the event that planning permission was to be granted.

Housing Mix

- 8.41. The following table outlines both the proposed unit mix, by size and tenure, as well as the Council's current preferred unit mix, which seeks to secure a mixture of small and large housing, and is set out within Policy DM3(7) of the Managing Development Document:

Unit Size	Total Units	Affordable Housing						Market Housing		
		Social/Affordable Rented			Intermediate			Units	As a %	Policy Target %
		Units	As a %	Policy Target %	Units	As a %	Policy Target %			
1 Bed	119	14	24%	30%	16	43%	25%	89	40%	50%
2 Bed	156	14	24%	25%	21	57%	50%	121	54%	30%
3 Bed	36	22	38%	30%	0	0%	25%	14	6%	20%
4 Bed	8	8	14%	15%	0	0%	0%	0	0%	
Total	319	58	100%	100%	37	100%	100%	224	100%	100%

Fig. 11 – Proposed Mix of Units by Size and Tenure

- 8.42. Within the market sector the mix of units proposed is skewed more towards 2 bed units, with the proportion of both 1 bed and family sized (3-bed+) units being below the targets set out in the Council’s preferred unit mix. Given the high values of this location however officers are content to accept a lower number of market family sized (3-bed+) units within this development. With respect to the mix of 1 bed and 2 bed units, officers are content that whilst the proportion of these units differs slightly from the Council’s preferred unit mix, the proposed development still offers a good mix of 1 and 2 bed market units.
- 8.43. Within the intermediate sector the mix of units differs from the Council’s preferred unit mix, in that a higher proportion of 1 bed units are proposed and no family sized (3-bed+) units are proposed. Given the high values of this location and the difficulties that presents in terms of the affordability of some intermediate products, such as shared ownership units, officers are thus content with the proposed mix of intermediate units within this scheme.
- 8.44. With respect to the social/affordable sector the mix of units is broadly in line with the Council’s preferred unit mix. Whilst the proposed mix does feature slightly fewer 1 bed units than the Council’s preferred unit mix and a higher proportion of 3 bed units, given the demand for family sized (3-bed+) units within this sector officers welcome such a mix and are thus content that the proposed mix of social/affordable units can be considered to be acceptable.
- 8.45. In the context of the Council’s relevant policies, officers are content that the proposed dwelling mix of this proposal can broadly be considered to be policy compliant and is thus considered acceptable.

Housing Quality

- 8.46. Within both Building A and Building B individual cores do not serve more than 8 units per floor, with both buildings being served by 3 lifts, in accordance with the standards set out in the Mayor’s Housing SPG.
- 8.47. Throughout the development the vast majority of units are dual aspect, with some being triple aspect, and there are no single aspect north-facing units within the development, which is welcomed. Minimum floor to ceiling heights of 2.5m

throughout the development are also proposed which conforms with the standards set out in the Mayor's Housing SPG. All family sized units (3 bed+) proposed within the social/affordable rented tenure feature separate kitchens (to the main living space) which is also welcomed.

- 8.48. With respect to both the internal floor area and private amenity area of the proposed units, all 319 proposed units either meet or exceed the standards set out both with the London Plan (2016) and the Tower Hamlets Managing Development Document (2013).
- 8.49. Given the above officers consider the residential quality of the scheme to be high and thus acceptable.

Daylight and Sunlight Levels for the Development

- 8.50. Guidance on the assessment of daylight and sunlight levels for new developments is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. When calculating the levels of daylight afforded to new developments, the BRE have adopted and recommend the use of British Standard 8206 as the primary form of assessment which recommends minimum Average Daylight Factor (ADF) values for new residential dwellings, which are as follows:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 8.51. The BRE guidelines state that the layout of proposed developments should maximise the number of south facing main living rooms, and that where windows within such rooms face within 90 degrees of south they should be assessed using the Annual Probable Sunlight Hours (APSH) method. The APSH calculation considers the amount of sun available in both the summer and winter for each such window, and if the window can receive at least 25% total APSH with 5% during the winter months (between 21st September and 21st March), then the affected room can be considered to receive sufficient levels of sunlight. Finally in order for any proposed external amenity space to be considered as receiving sufficient levels of sunlight, at least half (50%) of such space should receive direct sunlight for at least two hours on the 21st March.
- 8.52. The applicant has submitted an internal daylight and sunlight assessment which assesses the levels of daylight and sunlight that will be afforded to the development. This report has also been reviewed by an independent daylight and sunlight specialist instructed by the Council.
- 8.53. The applicant's report advises that within the proposed development, 99% of the habitable rooms will meet the BRE criteria for ADF, which equates to 912 out of the 920 proposed habitable rooms. For the 8 rooms which do not meet the ADF criteria it should be noted that 7 of these rooms, which are large living/kitchen/dining rooms, still meet the levels suggested for a living room (1.5%) but not that for a kitchen (2%), and that 5 of said rooms still achieve ADF values of 1.9% which is only marginally below the 2% target. The remaining room is a living room which achieves an ADF value of 1.2%, however given that this room is directly linked to a kitchen/dining room which far exceeds the ADF targets (having an ADF value of 4.7%) officers are content that this minor non-compliance can be considered to be

acceptable. Based on the above, available daylight within the proposed development can be considered to be very good and broadly compliant with relevant policy.

- 8.54. With respect to sunlight levels within the proposed development, 72% of the main living rooms which face south will meet the BRE criteria for APSH, which equates to 153 out of the 212 proposed south facing main living rooms. In the instances where rooms do not meet this criteria it should be noted that the majority of the affected rooms feature balconies above the windows which serve them which in a dense urban environment such as this has a significant impact upon the APSH values. Given the dense urban setting of this site and the fact that the majority of rooms still meet or exceed the recommended sunlight levels as set out within the BRE guidance, officers are content that the proposed development will afford future occupants acceptable levels of sunlight and can on balance be considered to be broadly compliant with relevant policy.
- 8.55. The proposed development includes 5 external amenity spaces, of which 1 space (A) sits atop the podium within Building A, 3 spaces (B, C and D) sit atop the podium within Building B, and 1 space (E) sits to the west of Building B at ground floor. 3 out of the 5 proposed amenity areas (A, D and E) will experience 2 hours or more of direct sunlight across more than 50% of their area on the 21st March thus meeting the BRE guidelines. The remaining 2 amenity areas (B and C) will experience 2 hours or more of direct sunlight across 46.6% and 30.2% of their areas on the 21st March respectively. It should be noted however that both of these spaces are partially enclosed and as such would have a low expectation for direct sunlight. Furthermore residents of Building B would also have access to amenity space areas D and E which are afforded good levels of sunlight. The cumulative results also assessed by the applicant with respect to the overshadowing of external amenity spaces show no changes from the aforementioned results. Given the above officers are content the proposed external amenity spaces can be considered to benefit from acceptable levels of direct sunlight.

Accessible Housing

- 8.56. The proposed development seeks to provide a total of 32 wheelchair accessible units (designed in accordance with Part M4(3) of the Building Regulations 2015), which equates to 10% of the total number of residential units being proposed (319). The remaining 287 units will be designed to be accessible and adaptable (in accordance with Part M4(2) of the Building Regulations 2015).
- 8.57. The following table outlines the mix of wheelchair units proposed. 20 of the wheelchair accessible units are to be in the form of market units (10 x 1 bed and 10 x 2 bed), 4 are to be in the form of intermediate units (4 x 2 bed), and 8 are to be in the form of social/affordable rented units (3 x 1 bed, 1 x 2 bed and 4 x 3 bed). Given that the split is evenly provided across all tenures (with a slight favour towards social/affordable rented units) and features a range of unit types officers are content that this provision can be considered acceptable.

Tenure	1-bed	2-bed	3-bed	4-bed	Total	As a % of Tenure
Market Sector	10	10	0	0	20	9%

Intermediate	0	4	0	0	4	11%
Social/Affordable Rented	3	1	4	0	8	14%

Fig.12 – Wheelchair Accessible Units by Tenure and Unit Type

8.58. In order to ensure that the proposed wheelchair accessible units have been designed in accordance with Part M4(3) of the Building Regulations 2015 a condition requiring detailed layouts of the units at a scale of 1:50 will be imposed. The condition will also stipulate that the remaining 287 units within the development must be designed in accordance with Part M4(2) of the Building Regulations 2015. Subject to this condition officers are therefore content that the proposed residential accommodation is acceptable in accessibility terms.

Communal Amenity Space

8.59. Policy DM4(2) of the Council’s Managing Development Document states that for all developments proposing 10 or more new residential dwellings, a minimum of 50sqm for the first 10 units and 1sqm for every unit thereafter should be provided. As this development proposes 319 residential units, a minimum of 359sqm of communal space is thus required.

8.60. Within Building A 226sqm of internal communal amenity space is proposed at 1st floor level serving the 206 units within this building, whilst within Building B 171sqm of external community amenity space is proposed at roof level serving 113 units.

8.61. Officers are content that the location, scale and layout of the proposed communal amenity spaces are acceptable, and further details of these spaces, including the landscaping to the rooftop communal amenity space within Building B, will be requested and secured by condition.

Child Play Space

8.62. In order to calculate the expected child yield for this development officers have used the Mayor of London’s child yield calculator which is informed by the ‘*Shaping Neighbourhoods: Play and Informal Recreation SPG (September 2012)*’ which requires a minimum of 10sqm of child play space per child. The table below outlines both the expected child yield for the development as well as the proposed quantum of child play space which is to be provided as part of this development.

Age Group	Child Yield	Minimum Requirement (sqm)	Proposed Play Space (sqm)
Under 5 Years	41	410	489
5-11 Years	38	380	488
Over 12 Years	28	280	373
Total	107	1,070	1,350

Fig.13 – Child Play Space Requirements and Proposed Provision

- 8.63. The proposed development seeks to provide a total of 489sqm of child play space for under 5 years, 488sqm for 5-11 years, and 373sqm for over 12 years, totalling 1,350sqm. For both all age groups and overall the proposed quantum of child play space exceeds the minimum requirements set by the 'Shaping Neighbourhoods: Play and Informal Recreation SPG (September 2012)' which is welcomed by officers.
- 8.64. The majority of the proposed play space (circa 75%) is to be provided on top of the podium structure at 1st floor level, with 400sqm being provided on the podium of Building A and 612sqm being provided on the podium of Building B. Fig.14 below outlines the location and age group of the play spaces to be provided at 1st floor level, with green spaces indicating play space for under 5 years, orange spaces indicating play space for 5-11 years, and red spaces indicating play space for over 12 years. All of the play space at 1st floor level for Building A is provided externally, whilst Building B features a mixture of external, covered and internal spaces.



Fig.14 – Play Space at 1st Floor Level

- 8.65. The remaining proposed play space (circa 25%) is to be provided at ground floor level to the front of Building B and totals 338sqm. Fig.15 below outlines the location and age group of the play spaces to be provided at ground floor level, and once again the green spaces indicate play space for under 5 years, the orange spaces indicate play space for 5-11 years, and the red spaces indicate play space for over 12 years. All of this play space is to be provided externally and will be embedded into the landscaping of this part of the site.



Fig.15 – Play Space at Ground Floor Level

- 8.66. Officers are generally content with the quantum and location of the proposed play spaces, including the split between different age groups, which are all located at either ground or 1st floor level. Indicative designs for the proposed play spaces have been included on the submitted plans which indicate a wide range of play equipment and surfaces, however a condition requiring full details of the proposed child play spaces will be imposed to ensure that these spaces are of a high standard.

Conclusion

- 8.67. Officers consider that as the proposal provides an acceptable level of affordable housing (beyond that which can be considered to be the maximum viable level), and a suitable mix of housing (including accessible housing), which is of a high residential standard, the application can be considered acceptable in housing terms.

Design

Policy Context

- 8.68. Paragraph 56 of the NPPF states that “*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”. Paragraph 63 states that “*in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area*”.
- 8.69. Policy 7.1 of the London Plan (2016) seeks to ensure that “*the design of new buildings and spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood*”. Other policies relevant to this proposal with respect to design are policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.10, 7.11 and 7.12 of the London Plan (2016).

- 8.70. The Council's Core Strategy policy SP09 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 SP10 seeks to "ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds". Policy SP12 seeks to enhance placemaking through "ensuring development proposals recognise their role and function in helping to deliver the vision, priorities and principles for each place".
- 8.71. The Council's Managing Development Document policy DM24 states that "development will be required to be designed to the highest quality standards, incorporating principles of good design, including: ensuring design is sensitive to and enhances the local character and setting of the development". Other policies relevant to this proposal with respect to design are policies DM23, DM26, DM27 and DM28 of the Managing Development Document (2013).

Layout

- 8.72. The application site lies at a key junction on the Isle of Dogs where one of the few east-west routes (Pepper Street) meets a key north-south route (Millharbour). The application site also lies directly to the north-east of the proposed Westferry Printworks development which proposes a new linear park extending to the southern end of Millharbour, opening up the opportunity for this site to link into this.
- 8.73. Given the above the proposed site layout has thus primarily been driven by the aspiration to enhance Pepper Street and also create a new high quality area of public realm in the south-west corner of the site in order to link into the proposed linear park on the adjacent Westferry Printworks site. Another key driving factor for the site's layout is to ensure that future residents are afforded good levels of amenity, including good access to daylight and sunlight and avoiding instances of overlooking between the two blocks, which has resulted in them being staggered. Such design principles are illustrated below in Fig.16.

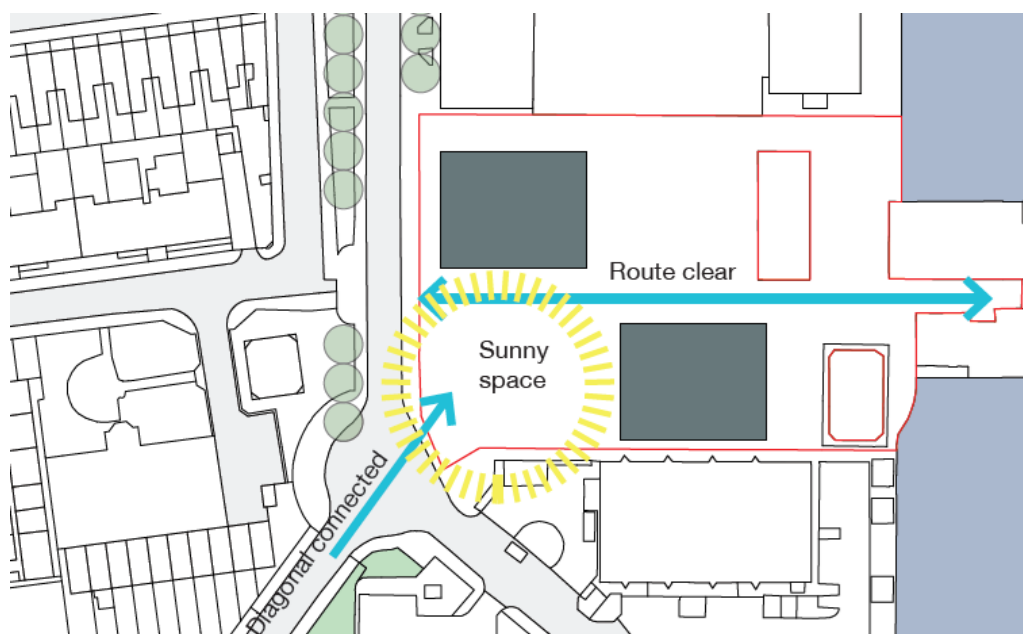


Fig.16 – Site Layout Principles

8.74. The redesigned and widened Pepper Street is now 11m wide (as opposed to 6m as it currently is) and comprises of a high quality shared surface environment lined with trees and seating. A new pocket park in the south-west corner of the site features two areas of soft landscaping (incorporating child play space) as well as a hard landscaped pedestrian route providing a direct link between Pepper Street and the proposed linear park within the adjacent Westferry Printworks site. New public spaces are also to be provided between Building B and 21 Pepper Street as well as between Davenport House and Millwall Dock. The proposed site layout is illustrated in Fig.17.



Fig.17 – Proposed Site Layout

8.75. Building A which sits to the north side of Pepper Street and 7.5 metres to the south of Archway House comprises of a 30 storey tower of square form with a setback at its midpoint along with a 3 storey podium structure, with the tower element sitting to the west of the site directly adjacent to Millharbour in line with other buildings along its eastern side. A triple height chamfered undercroft on the building's south-western corner assists in easing movement between Millharbour and Pepper Street and also creates a successful visual and physical termination to the linear park at its northern end. The main entrance to the building is located on the south-western corner and the internal layout of the building on the upper levels consists of a central core surrounded by residential units on the corners (enabling dual aspect units to be maximised) with commercial and communal facilities at ground, mezzanine and first floor levels.

8.76. Building B which sits to the south side of Pepper Street and 4 metres to the north of 1 Greenwich View Place comprises of a 26 storey tower of square form with a setback at its midpoint along with a 3 storey podium structure, rising to 5 storeys along its western edge, with the tower element sitting to the east of the site opposite from 21 Pepper Street. The western edge of the building is tapered which assists in easing movement between Pepper Street and the proposed linear park and also helps to visually connect the pocket park to the front of Building B with the adjacent Westferry Printworks site. The main entrance to the building is located on the northern side of the building (accessed from Pepper Street) and the internal layout of the building matches that of Building A with the exception of the addition

of 3 townhouses located at the western edge of the building which are accessed from the podium.

- 8.77. Officers consider that the proposed site layout as well as the layout of both Buildings A and B is successful in the way that it both responds to its existing and emerging context, enhancing movement through the site, and also provides a development which maximises residential quality for its future occupants.

Height, Scale and Massing

- 8.78. The proposed development includes the erection of two buildings of 30 storeys (Building A) and 26 storeys (Building B) respectively. Building A would stand at a height of 102.3m AOD and Building B would stand at a height of 90.05m AOD (a difference of 11.8m).
- 8.79. In terms of the appropriateness of the proposal’s height and scale for this location, it should be noted that the site sits within the Isle of Dogs Activity Area boundary which according to Fig.18 below, taken from policy DM26, supports the second highest form of development in the borough and is the next most preferable location for tall buildings after the Aldgate and Canary Wharf POL’s. As such the principle of a tall building in this location can be considered to be acceptable in line with relevant policy.

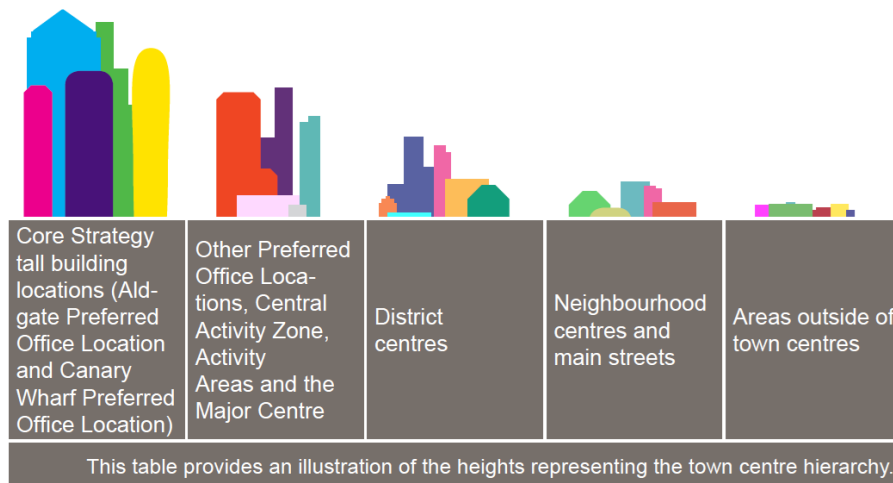


Fig.18 – Illustration Showing Building Heights for the Preferred Office Locations and the Town Centre Hierarchy

- 8.80. With respect to the proposal’s sensitivity to the context of its surroundings in terms of its height, scale and massing it is noted that the surrounding area features building heights which vary significantly and include 2 storey terraced properties on Mellish Street, the Trinity Tower development ranging from 4 storeys to 18 storeys to the north west of the application site, 45 Millharbour which is a part 7, part 14 storey development, and the Baltimore Wharf development on the opposite side of Millwall Inner Dock which ranges from 7 to 43 storeys. Furthermore it should be noted that permission was granted last year (by the GLA) for a development at the former Westferry print works site to the south of the application site which includes a 30 storey building with a height of 110m AOD.
- 8.81. Given the wide variety of building heights within the surrounding area, the fact that the site marks the junction of two key routes on the Island (Millharbour and Pepper Street), and the site’s close proximity to the dockside, where the majority of tall

buildings on the Island sit, officers are content that the proposed height, scale and massing of the proposed development is sensitive to the context of its surroundings and appropriate for this location. Furthermore the submitted TVIBHA illustrates a number of key views taken from points within the site's immediate surroundings and it is considered that these views demonstrate that the proposed development does not have an adverse impact on the character of the local area.

- 8.82. Part 2b of policy DM26 states that *“within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas”*. Furthermore ‘Principle 3’ of the vision for Millwall (as outlined in the Core Strategy (2010)) states that *“taller buildings in the north should step down to the south and west to create an area of transition from the higher-rise commercial area of Canary Wharf and the low-rise predominantly residential area in the south”*.
- 8.83. The Council has also recently commissioned a ‘Tall Building Study’ which forms part of the evidence base for the forthcoming new Local Plan which promotes a ‘Millwall Inner Dock Tall Building Cluster’ which this site would sit within. Within this cluster the document notes that no building should exceed 155m AOD and that building heights must step down as they step away from 1 Canada Square (see Fig.19). It should be noted however that this document can only be given very limited weight in the determination of this application due to its status as part of the evidence base for a planning policy document which is yet to be formally adopted.

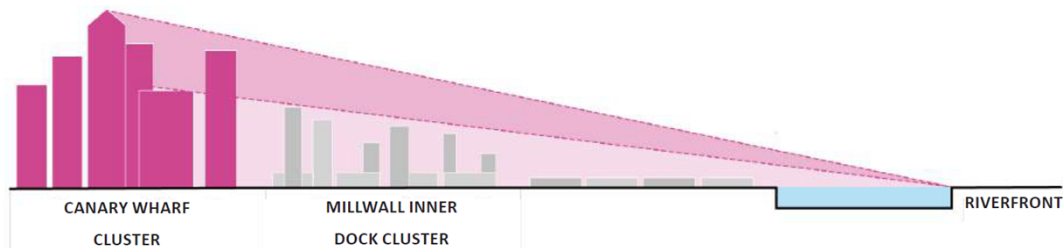


Fig.19 – Relationship Between Canary Wharf and Adjacent Clusters

- 8.84. Whilst officers appreciate that when viewed within the isolated context of the existing buildings along Millharbour (running from north to south) the proposed development does not systematically ‘step down’ and is instead taller than buildings directly to the north of it, it should be noted that the spirit of the relevant aforementioned policies is to achieve a more strategic ‘step down’ from Canary Wharf that can only be truly appreciated within views which take account of the wider context.

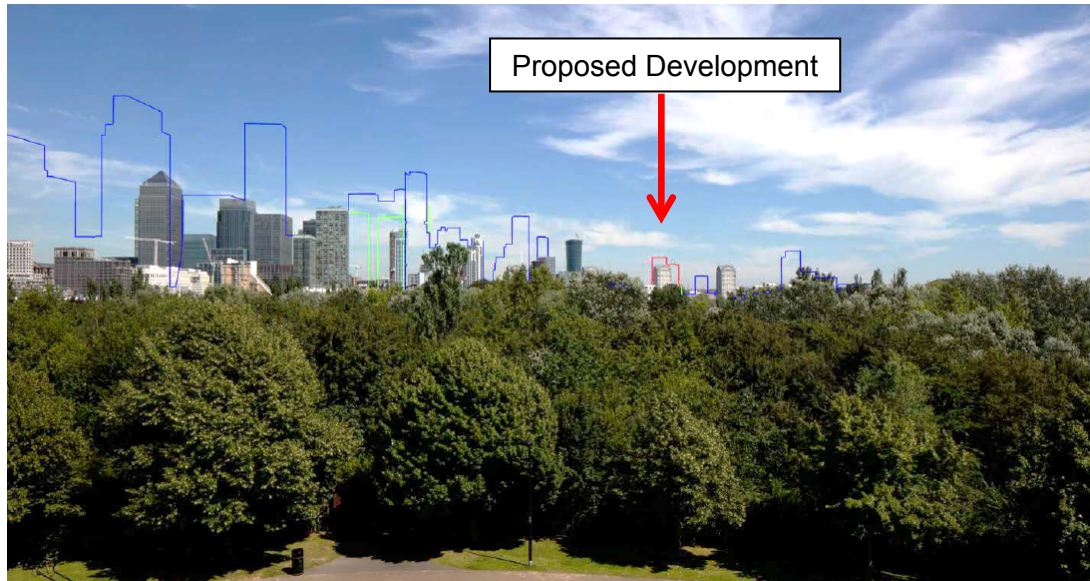


Fig.20 – View from Stave Hill (Rotherhithe)

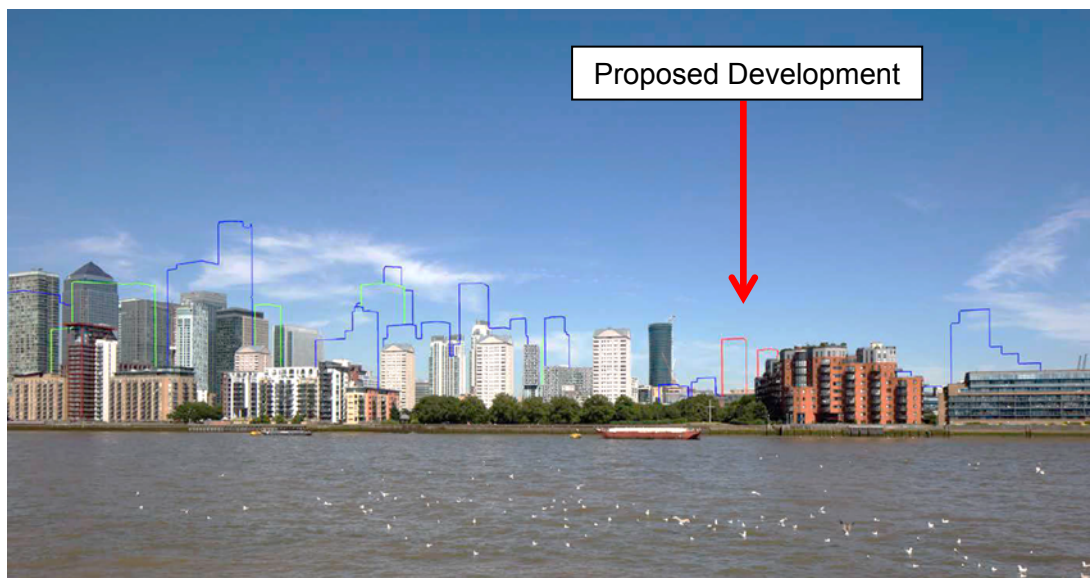


Fig.21 – View from Greenland Dock (Rotherhithe)

- 8.85. When more contextual views illustrating the proposed development within its context (including cumulative development) are interrogated (see Figs.20 and 21) it can be concluded that the proposed development does respect the policy position of seeking to achieve a 'step down' from the Canary Wharf cluster.
- 8.86. With respect to the relationship between the two buildings themselves, officers consider that the 11.8m difference in height between the two buildings is sufficient enough to differentiate the two buildings from one another in terms of their height, scale and massing, and is a positive design feature of the scheme in townscape terms which assists in its contribution to the local skyline. The variation in heights between the two buildings is also considered to assist in breaking up the perceived mass of the buildings in views where the two towers coalesce (although other design measures such as a differing material palette between the two blocks also assist in this matter).
- 8.87. In order to ensure that the proposed development, by virtue of its height, does not have an adverse impact upon the operations of London City Airport nor Civil

Aviation requirements an 'Aviation Safeguarding Assessment' was submitted as part of the application. This document has been reviewed by both London City Airport and National Air Traffic Services who both raised no safeguarding objection to the proposal.

- 8.88. Given the above officers are content that the proposed development can be seen to be acceptable in terms of its height, scale and massing.

Appearance and Materials

- 8.89. The proposed façade design for both Buildings A and B seeks to express the structure as well as emphasise the vertical elements of the proposed buildings in order to create a pair of simple yet architecturally striking buildings. In order to give the façade a degree of three-dimensionality, the bays (featuring cladding panels and glazing) which sit between the frame have been substantially recessed from it by 250mm. Balconies which are partially inset and also partially protrude from the façade also play a key part in the appearance of the building helping to break up and introduce variety to the facades of both buildings.
- 8.90. The proposed material palette for the development features durable and high quality materials throughout, including brick, pre-cast panels in a Portland Stone finish, metal cladding panels, and glazing.



Fig.22 – View of Proposed Cladding Materials

- 8.91. Whilst both Buildings A and B have a similar material palette, in order to differentiate the buildings from each other in the local context, material colour variation is proposed between the buildings which is illustrated in Fig.22. Whilst Building A features a dark brown brick and pale grey pre-cast panel piers, Building B will feature a pale buff brick and white pre-cast panel piers. The colour of the metal cladding panels is proposed to be bronze across both Building A and B.
- 8.92. It is considered that given the employment of high quality and durable materials such as brick and pre-cast panels, along with well-considered design details, the proposed appearance of the scheme can be deemed to be acceptable. In order to ensure that the specific materials selected and detailed design employed at construction stage for this scheme achieve the high quality design presented at

application stage, a condition requiring the submission of material samples and detailed technical drawings of key junctions will be imposed.

Landscaping

- 8.93. The proposed development seeks to provide extensive areas of new landscaping and public realm, including a widened Pepper Street, a new pocket park on the south-western corner of the site, and two new public spaces between Davenport House and Millwall Dock, and between Building B and 21 Pepper Street.
- 8.94. Pepper Street is now proposed to be 11m in width (as opposed to 6m in width as it currently is) and will take the form of a 'shared surface street' featuring robust paving materials, trees, and seating. The portion of Pepper Street between Millharbour and the eastern edge of Building A will only be accessible to pedestrians and cyclists, whereas the portion of Pepper Street between the eastern edge of Building A and the Glengall Bridge will be accessible to pedestrians, cyclists and vehicles, although the latter will be limited to servicing movements and cars accessing the small residents car park located within 8-19 Pepper Street. In order to deal with the ground level differences between the Glengall Bridge and Millharbour a series of gently sloping ramps have been incorporated into Pepper Street to ensure that it is accessible to all.
- 8.95. The proposed pocket park on the south-western corner of the site includes a mixture of soft and hard landscaping, as well as seating and elements of child play space. This space will be circa 500sqm and will provide both a visual and a physical connection to the larger linear park that is proposed as part of the adjacent Westferry Printworks development. In order to deal with the ground level difference between Pepper Street and Millharbour a series of gently sloping ramps have been incorporated into the hard landscaping route which passes through the middle of this space to ensure that it is accessible to all.
- 8.96. Both of the new public spaces, which are to be provided between Davenport House and Millwall Dock, and between Building B and 21 Pepper Street feature robust paving materials, trees and seating. The former of these two spaces (between Davenport House and Millwall Dock) is also to feature sculptural installations which will allow for informal play opportunities. Both of these spaces will ensure that the proposed development integrates well with the adjacent Davenport House and 21 Pepper Street buildings which are to be retained.
- 8.97. The remainder of the application site (i.e. the servicing routes in between Building A and Davenport House, and to the north of Building A) will feature the same robust paving materials as elsewhere on the site in order to provide a simple yet comprehensive approach to landscaping which will ensure continuity across the site and is welcomed. As the application site is privately owned 24/7 uninhabited access for pedestrians and cyclists along Pepper Street and across the proposed pocket park and new public spaces will be secured via a S.106 legal agreement.
- 8.98. In light of the above and subject to the necessary conditions requiring further details of both the hard and soft landscaping materials, officers consider that the landscaping proposals are acceptable as they will significantly improve the pedestrian environment of the site, and result in a significant improvement to Pepper Street which is a key east-west route across the Isle of Dogs, and are thus in accordance with relevant policies.

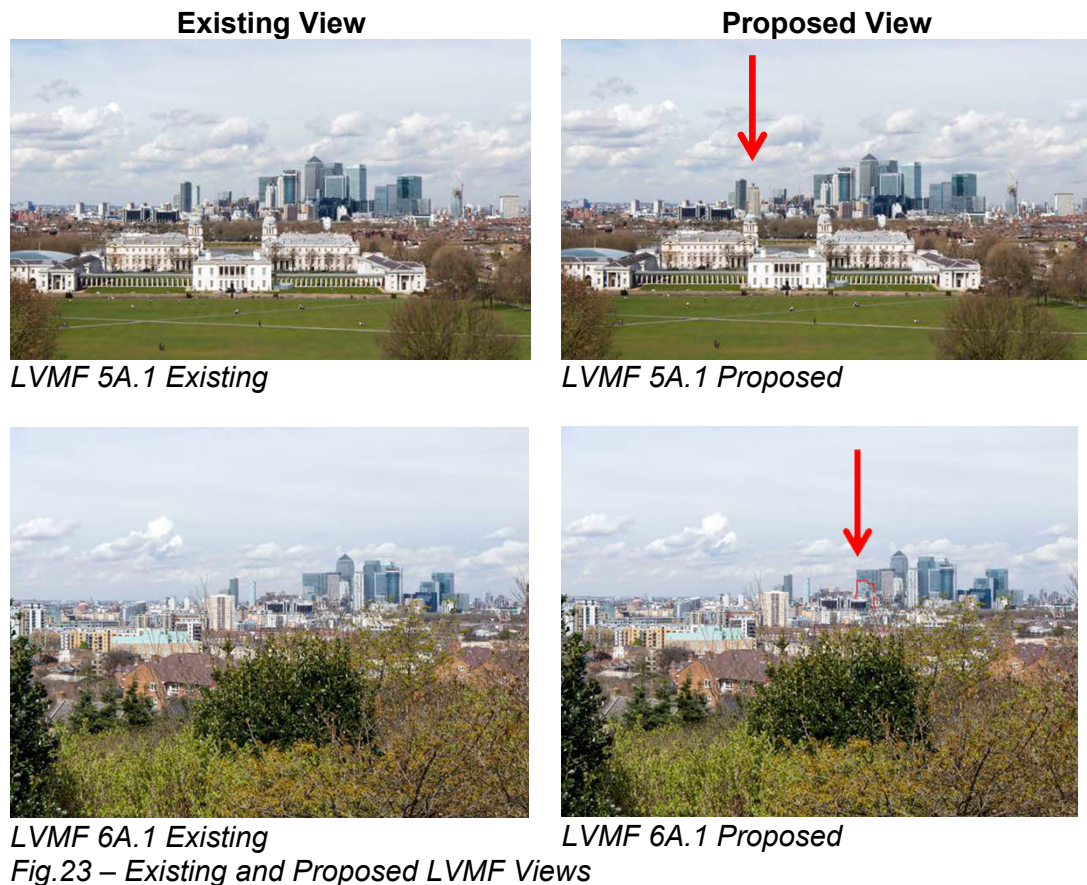
Secure by Design

- 8.99. The applicant has engaged with the Metropolitan Police's Secure by Design team as part of the design process, and they have been consulted with as part of the planning application process. The Secure by Design officer raised no objection to the proposed design of the scheme and has requested that a condition be imposed (in the event that planning permission is granted) which requires the applicant to achieve Secure by Design accreditation prior to the commencement of the development.

Strategic Views

- 8.100. The development has the potential to affect a number of strategic views and river prospects, as identified in the Mayor's London View Management Framework (LVMF), including View 5A.1: Greenwich Park, View 6A.1: Blackheath, View 11B.1: London Bridge and View 11B.2: London Bridge. The site also falls within the wider setting of the Maritime Greenwich World Heritage Site.
- 8.101. The LVMF SPG (2012) describes the London Panorama from the General Wolfe Statue in Greenwich Park (Assessment Point 5A.1) as taking in the formal, axial arrangement between Greenwich Palace, and the Queens's House, whilst also including the tall buildings on the Isle of Dogs. It should be noted that there is not a protected vista from this assessment point. In recognising the fact that this panorama is located within the Maritime Greenwich World Heritage Site (MGWHS), paragraph 146 of the LVMF SPG (2012) states that:
- "The composition of the view would benefit from further, incremental consolidation of the clusters of taller buildings on the Isle of Dogs and the City of London. However any consolidation of clustering of taller buildings on the Isle of Dogs needs to consider how the significance of the axis view from the Royal Observatory towards Queen Mary's House could be appreciated."*
- 8.102. Assessment Point 6A.1, the London Panorama from the Point in Blackheath, is described as a level green space above a dramatic escarpment, partially enclosed by trees with an opening at its western end providing views towards central London. The tall building cluster on the Isle of Dogs is visible in the eastern most portion of the view from this location and does not sit within or close to the protected vista from this assessment point.
- 8.103. Finally Assessment Points 11B.1 and 11B.2, the River Prospects looking downstream from London Bridge, are described as views which take in the Tower of London World Heritage Site, Tower Bridge, and beyond, to the rising ground at Greenwich and the cluster of towers at Canary Wharf. In both of these views the tall building cluster on the Isle of Dogs sit in the backdrop and mark the path of the river as it continues further east. It should be noted that neither of these assessment points feature a protected vista.
- 8.104. The applicant's Townscape, Visual Impact, and Built Heritage Assessment (TVIBHA) assesses the impact of the proposal on the existing and proposed cumulative view from all of the above assessment points. Within Assessment Points 5A.1 and 6A.1 the TVIBHA illustrates how the proposal will become part of the developing cluster of consented and proposed buildings on the Isle of Dogs. In Assessment Point 11B.1 the TVIBHA illustrates that the proposal would be visible to the southern end of the Isle of Dogs tall building cluster, but also clearly illustrates that the proposal steps down from the taller buildings within the cluster which sit to the north of it. Finally in Assessment Point 11B.2 the TVIBHA illustrates

that the proposal will not be visible as it would be hidden behind the southern tower of Tower Bridge.



8.105. After assessing the impact of the proposal on the LVMF views in which it sits within, officers have concluded that the proposal would not have a detrimental impact on any of the affected LVMF views, nor would it harm the setting of the MGWHS. Furthermore, no objections have been raised by either the GLA or Historic England and as such officers consider the application to be compliant with the relevant policies.

Heritage Considerations

8.106. When determining planning applications affecting the setting of listed buildings, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest. A similar duty is placed with respect to the appearance and character of Conservation Areas by Section 72 of the aforementioned Act.

8.107. There are no statutory listed buildings that sit within close proximity to the application site with the closest being the Grade II listed Carnegie Library on Strattondale Street (approximately 0.5km to the east of the application site). It is considered that given the existing urban backdrop to this heritage asset along with the cumulative effect of consented tall buildings in the Isle of Dogs Activity Area, the proposal would preserve the setting of this building. This position is backed up by View 20 (taken from the nearby corner of Glengall Grove/Strattondale Street) within the submitted TVIBHA.

- 8.108. The proposed development does not sit within or is in close proximity to any conservation areas, however the proposal would be visible from certain vantage points within the Chapel House, Island Gardens and Coldharbour conservation areas, all of which are on the Island. Views 8, 17, 18 and 31 within the TVIBHA are all taken either within these conservation areas or within close proximity to them and all confirm that when considered alongside the cumulative effect of consented tall buildings in the Isle of Dogs Activity Area, the proposal would preserve the character and appearance of the aforementioned conservation areas.
- 8.109. As noted within the previous section of the report it has been concluded by officers, the GLA and Historic England that the proposal would not have an adverse impact upon the setting of the MGWHS.

Conclusion

- 8.110. Officers consider that the proposed design of the scheme is acceptable in terms of its impact on strategic views and heritage assets, its layout, height, scale and massing, its appearance, landscaping and material palette, and has also been designed in accordance with Secure by Design principles. As such officers can conclude that the application is acceptable in design terms.

Amenity

Policy Context

- 8.111. Paragraph 17 of the NPPF states local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.112. Policy 7.6 of the London Plan (2016) seeks to ensure that development does *“not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate”*.
- 8.113. The Council’s Core Strategy policy SP10 (4) seeks to ensure that development *“protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight)”*.
- 8.114. The Council’s Managing Development Document policy DM25 states that *“development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm”*.

Overlooking, Outlook, Privacy and Enclosure Impacts for Neighbours

- 8.115. A number of the properties which immediately surround the application site are in use for non-residential uses, primarily as data centres or offices. The nearest residential properties to the application site are 8-19 Pepper Street (to the east), 159 and 161 Mellish Street (to the west), and 1-6 and 7 Omega Close (to the west).
- 8.116. With respect to 8-19 Pepper Street, neither Building A nor Building B sit closer than 33m to 8-19 Pepper Street, and both feature other non-residential buildings (albeit smaller) in between them and 8-19 Pepper Street. Given the distance between the proposed buildings and the fact that other non-residential buildings sit closer to 8-

19 Pepper Street, officers are content that the proposed development would not adversely impact upon overlooking, outlook, privacy nor enclosure for the residents of 8-19 Pepper Street.

- 8.117. With respect to 159 and 161 Mellish Street as well as 1-6 and 7 Omega Close, the closest gap between either Building A or Building B to any of these buildings is 32m. It should also be noted that Millharbour, a standard width road which is partially tree lined, sits in between the application site and these properties. Given the distance between the proposed buildings and the fact that Millharbour sits between them and the application site, officers are content that the proposed development would not adversely impact upon overlooking, outlook, privacy nor enclosure for the residents of 159 and 161 Mellish Street and 1-6 and 7 Omega Close.

Overlooking, Outlook, Privacy and Enclosure for the Development

- 8.118. Within the proposed development itself, it should be noted that the majority of units are dual aspect with no single aspect north facing units being proposed. Furthermore due to the staggered positioning of the two buildings, there is also no direct overlooking between Building A and Building B. Large distances (30m+) between the residential levels of the proposed buildings and the adjacent buildings to the east and west are also present throughout the development. Whilst smaller distances of 4m and 8m exist between the proposed buildings and 1 Greenwich View Place (3 storeys) to the south and Archway House (5/8 storeys) to the north, it should be noted that all of the residential units (on the lower levels of both buildings) which front either of these buildings are dual aspect, and the affected units within Building B (which front 1 Greenwich View Place) also feature directional windows (angled at 45 degrees to south). As such officers are content that the proposed development will afford future residents good levels of outlook and will not afford future residents unacceptable levels of enclosure.
- 8.119. The floor plans for both Building A and Building B have been carefully designed to ensure that there is no direct overlooking between neighbouring units in order that future residents are afforded good levels of privacy. Given the careful arrangements of the proposed floor plans which do not allow for any direct overlooking between units (with the exception of between external amenity spaces which is deemed acceptable), officers can thus be satisfied that the proposed development will afford future residents good levels of privacy and will not afford future residents unacceptable levels of overlooking.

Daylight and Sunlight Impacts for Neighbours

- 8.120. Guidance on the assessment of daylight and sunlight impacts is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. When calculating the impact a proposed development has on the daylight to neighbouring properties, the primary form of assessment is the Vertical Sky Component (VSC) method which measures the amount of skylight falling on a vertical wall or window, together with the No Sky Line Contour (NSC) method which is a measure of the distribution of daylight within a room. When combined these tests measure whether a building maintains most of the daylight it currently receives. When calculating the impact a proposed development has on the sunlight to neighbouring properties, the Annual Probable Sunlight Hours (APSH) method is used to calculate how much sunlight the window can receive. It should be noted that this calculation is only applicable to windows which face within 90 degrees of south as windows which face within 90 degrees of north would have

no expectation of sunlight. Finally when calculating the impact a proposed development has on the overshadowing of external amenity spaces, the Sunlight Amenity Assessment is used which calculates the proportion of an amenity area which receives at least two hours of direct sunlight on the 21st March.

- 8.121. In accordance with BRE guidelines in order for a proposal to be regarded as meeting the VSC criteria, upon completion of the development a window should either retain 27% VSC in absolute terms or retain at least 80% of its existing VSC value. In order for a proposal to be regarded as meeting the NSC criteria, upon completion of the development it should retain at least 80% of its existing NSC value. In order for a proposal to be regarded as meeting the APSH criteria, upon completion of the development a window should retain at least 25% total APSH with 5% in the winter months in absolute terms, retain at least 80% of its existing total and winter APSH values, or the loss of total absolute annual APSH should be less than 4% of the total former APSH value. Finally in order for a proposal to be regarded as not unacceptably overshadowing an existing external amenity space, at least half (50%) of any assessed external amenity space should see direct sunlight for at least two hours on the 21st March.
- 8.122. As part of the submitted Environmental Statement the applicant has undertaken a daylight and sunlight assessment which assesses the impact of the proposed development on a number of surrounding properties and external amenity spaces as listed below and located on Fig.23. This report has also been reviewed by an independent daylight and sunlight specialist instructed by the Council.

Surrounding Properties:

- 1-6 Omega Close
- 7-16 Omega Close
- 1-12 Winch House
- 2-15 Pepper Street
- 8-19 Pepper Street
- 120-126 Mellish Street
- 149-159 Mellish Street
- 161 Mellish Street
- Trinity Tower
- Westwood House
- Rodman House
- Cobalt Point
- 41 Millharbour
- 45 Millharbour
- Corvette Court
- Crossharbour
- Crossharbour Block 6
- Baltimore Tower
- Turnberry Quay

External Amenity Spaces:

- Rear gardens to 120-126 Mellish Street
- Rear gardens to 139-155 Mellish Street
- Play area and open space to east of Winch House



Fig.24 – Map Illustrating Surrounding Properties

8.123. In addition to testing the implications of the proposed development on the above surrounding properties, the applicant has also tested the cumulative scenario on the above properties which includes the proposed development along with other nearby consented developments, namely Westferry Printworks (PA/15/02216). It should be noted that there is no requirement for the applicant to test the daylight and sunlight impacts of the proposal on surrounding non-residential buildings (47 Millharbour, Archway House, Bellerive House, 21 Pepper Street, Davenport House, and 1, 3 and 8 Greenwich View Place), which in this location are largely in use as data centres or offices.

8.124. The following table shows the VSC results for surrounding properties with the completed development.

Address	Windows Tested	20-29.9% Reduction (Minor)	30-39.9% Reduction (Moderate)	>40% Reduction (Major)	Total Below BRE Guidelines	Impact
1-6 Omega Close	16	2	1	2	5	Minor
7-16 Omega Close	38	9	0	0	9	Minor
1-12 Winch House	24	5	6	1	12	Minor
2-15 Pepper Street	63	2	0	0	2	Minor
8-19 Pepper Street	97	0	7	6	13	Moderate
120-126 Mellish Street	21	3	0	0	3	Minor
149-159 Mellish	34	6	2	0	8	Minor

Street						
161 Mellish Street	39	3	20	9	32	Moderate
Trinity Tower	85	8	6	1	15	Minor
Westwood House	115	0	0	0	0	Negligible
Rodman House	4	0	1	0	1	Minor
Cobalt Point	149	1	0	0	1	Minor
41 Millharbour	607	13	2	0	15	Minor
45 Millharbour	319	23	34	21	78	Moderate
Corvette Court	40	0	2	0	2	Minor
Crossharbour	360	1	0	0	1	Minor
Crossharbour Block 6	14	0	0	0	0	Negligible
Baltimore Tower	396	1	0	0	0	Minor
Turnberry Quay	164	2	0	0	2	Minor

Fig.25 – VSC Results for Surrounding Properties

8.125. Overall the impact on the following properties is considered negligible or minor:

- 1-6 Omega Close
- 7-16 Omega Close
- 1-12 Winch House
- 2-15 Pepper Street
- 120-126 Mellish Street
- 149-159 Mellish Street
- Trinity Tower
- Westwood House
- Rodman House
- Cobalt Point
- 41 Millharbour
- Corvette Court
- Crossharbour
- Crossharbour Block 6
- Baltimore Tower
- Turnberry Quay

8.126. For the properties listed above the sunlight impacts of the proposed development upon them are also considered to be either negligible or minor.

8.127. The impact upon 8-19 Pepper Street, 161 Mellish Street and 45 Millharbour is considered to be moderate and these are discussed further below.

8-19 Pepper Street

8.128. In terms of daylight, of the 97 windows analysed, 84 would meet the BRE guidelines with respect to VSC, with 7 windows experiencing a 30%-39.9% reduction, and 6 windows experiencing a 40% or greater reduction. Of the 68

rooms analysed, 61 would meet the BRE guidelines with respect to NSC, with 4 rooms experiencing a 20%-29.9% reduction, and 3 rooms experiencing a 30%-39.9% reduction. In the cumulative scenario 83 windows would meet the BRE guidelines with respect to VSC, with 8 windows experiencing a 30%-39.9% reduction, and 6 windows experiencing a 40% or greater reduction. The NSC results remain unchanged in the cumulative scenario.

- 8.129. In terms of sunlight, of the 48 windows facing the site and within 90 degrees of south, all would receive sunlight provision above the BRE guidelines. The cumulative results for sunlight do not differ from those outlined above.
- 8.130. In instances where windows experience a VSC or NSC reduction greater than the BRE guidelines, it should be noted that the majority of the affected windows are either secondary windows serving rooms that are served by additional primary windows that exceed the BRE guidelines, or serve bedrooms which have the lowest requirement for daylight. Given the above results it has been concluded that the proposed development would have a moderate significant impact upon 8-19 Pepper Street, which given the urban context of this location can be considered acceptable.

161 Mellish Street

- 8.131. In terms of daylight, of the 39 windows analysed, 7 would meet the BRE guidelines with respect to VSC, with 3 windows experiencing a 20%-29.9% reduction, 20 windows experiencing a 30%-39.9% reduction, and 9 windows experiencing a 40% or greater reduction. Of the 26 rooms analysed, 17 would meet the BRE guidelines with respect to NSC, with 1 room experiencing a 20%-29.9% reduction, 1 room experiencing a 30%-39.9%, and 7 rooms experiencing a 40% or greater reduction. The cumulative results for daylight do not differ from those outlined above.
- 8.132. In terms of sunlight, of the 32 windows facing the site and within 90 degrees of south, 24 would receive sunlight provision above the BRE guidelines and 8 would receive sunlight provision below the BRE guidelines. The cumulative results for sunlight do not differ from those outlined above.
- 8.133. In the instances where windows experience a VSC or NSC reduction greater than the BRE guidelines it should be noted that a high number of the affected windows are located beneath a recessed upper portion of the building or sit beneath overhanging balconies. In all instances however the resultant daylight levels would still be at a level which can be considered to be reasonable for an urban environment such as this. Where windows experience sunlight reduction greater than the BRE guidelines these generally only marginally exceed said guidelines. Given the above results it has been concluded that the proposed development would have a moderate significant impact upon 161 Mellish Street, which given the urban context of this location can be considered acceptable.

45 Millharbour

- 8.134. In terms of daylight, of the 319 windows analysed, 241 would meet the BRE guidelines with respect to VSC, with 23 windows experiencing a 20%-29.9% reduction, 34 windows experiencing a 30%-39.9% reduction, and 21 windows experiencing a 40% or greater reduction. Of the 214 rooms analysed, 191 rooms would meet the BRE guidelines with respect to NSC, with 13 rooms experiencing a 20%-29.9% reduction, 7 rooms experiencing a 30%-39.9% reduction, and 3 rooms experiencing a 40% or greater reduction. In the cumulative scenario 241 windows

would still continue to meet the BRE guidelines with respect to VSC, however 21 windows would experience a 20%-29.9% reduction, 36 windows would experience a 30%-39.9% reduction, and 21 windows would experience a 40% or greater reduction. The NSC results remain unchanged in the cumulative scenario.

- 8.135. In terms of sunlight, of the 269 windows facing the site and within 90 degrees of south, 235 would receive sunlight provision above the BRE guidelines and 34 would receive sunlight provision below the BRE guidelines. The cumulative results for sunlight do not differ from those outlined above.
- 8.136. In the instances where windows experience a VSC or NSC reduction greater than the BRE guidelines it should be noted that the affected windows are located beneath overhanging balconies, thus self-limiting light to the windows, and making small absolute reductions appear as relatively large proportional changes. Where windows experience sunlight reduction greater than the BRE guidelines, these are also located beneath overhanging balconies, which restricts the amount of sunlight that can reach the window pane. Given the above results it has been concluded that the proposed development would have a moderate significant impact upon 45 Millharbour, which given the urban context of this location can be considered acceptable.
- 8.137. In addition to the above properties tested, the following external amenity spaces have also been tested.

Rear gardens to 120-126 Mellish Street

- 8.138. Of the 4 affected external amenity spaces tested relating to 120-126 Mellish Street, only 1 of these spaces currently sees half or more of its area receiving at least two hours of sunlight on 21st March. 3 of the 4 affected spaces will see losses (in terms of the quantum of space receiving two hours of sunlight on 21st March) of less than 20% (2.1%, 3.3% and 13% respectively) with one space seeing a loss of 41.3%. The cumulative results for overshadowing of these external amenity spaces show no changes from the aforementioned results.
- 8.139. In the instances where external amenity spaces see losses in the quantum of space receiving two hours of sunlight on 21st March, it should be noted that the existing levels of sunlight received by said spaces are already low, meaning that small absolute reductions appear as relatively large proportional changes. Given the above results it has been concluded that the proposed development would have a **minor significant** impact upon the external amenity spaces of 120-126 Mellish Street, which given the urban context of this location can be considered acceptable.

Rear gardens to 139-155 Mellish Street

- 8.140. Of the 9 affected external amenity spaces tested relating to 139-155 Mellish Street, none of these spaces currently see half or more of their area receiving at least two hours of sunlight on 21st March. The proposed development has been concluded not to have any impact on the existing overshadowing levels of these spaces and the cumulative results also do not show there to be any impact.
- 8.141. Given the above results it has been concluded that the proposed development would have **no impact** upon the external amenity spaces of 139-155 Mellish Street.

Play area and open space to east of Winch House

- 8.142. The external space to the east of Winch House currently sees half or more of its area receiving at least two hours of sunlight on 21st March. The proposed development has been concluded not to have any impact on the existing overshadowing level of this space and the cumulative results also do not show there to be any impact.
- 8.143. Given the above results it has been concluded that the proposed development would have **no impact** upon the external amenity space to the east of Winch House.

Noise Impacts

- 8.144. A noise assessment accompanies the application and concludes that through the provision of appropriate glazing and ventilation, suitable levels of noise for the proposed residential and nursery uses would be achieved. This assessment takes into account the presence of a new data centre to the south of the site and its expected noise levels, however as a precaution, given that this data centre is currently not operational, a condition requiring an on-site noise assessment to take place once the data centre is operational will be required prior to the commencement of works on the application site.
- 8.145. Whilst the majority of proposed external amenity spaces are expected to achieve suitable levels of noise, where such noise levels are expected to be elevated the provision of appropriately designed balustrading would be sufficient to suitably reduce noise levels in these locations. Conditions requiring the submission of detailed specifications for the glazing and balustrading to ensure that future residents are not exposed to unacceptable noise levels will be imposed in the event that planning permission was to be granted.
- 8.146. With respect to noise generated by the development itself, through the demolition and construction process, a number of mitigation measures have been proposed to minimise disturbance during the demolition and construction process, including suitable hoardings and the selection of modern 'quiet plant' equipment, and such measures will be secured through the Construction Environmental Management Plan (CEMP). For proposed plant which will service the completed development suitable noise limits have been proposed to ensure that plant does not cause disturbance to existing residents in the surrounding area or future occupants of the proposed development, and a condition requiring testing to demonstrate compliance with such noise limits will be imposed in the event that planning permission was to be granted.

Construction Impacts

- 8.147. The construction impacts of the proposal would be carefully controlled and minimised through a suitably worded condition requiring the submission of a Construction Environmental Management Plan (CEMP). Such a document would be required to detail measures as to how pedestrian and cycling movements would be affected and managed during the construction process (in particular access to the Glengall Bridge), working hours, measures to control dust, air pollution, noise pollution, vibration, and any other measures in order to minimise the impact on the surrounding residents and building occupiers. It should be noted however that the applicant has already committed to providing an alternative route for pedestrians

and cyclists to access the Glengall Bridge from Millharbour (and visa versa) during the entirety of the construction process.

Conclusion

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

Highways and Transport

Policy Context

- 8.149. According to paragraph 34 of the NPPF developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 8.150. Policy 6.1 of the London Plan (2016) seeks to support *“development that generates high levels of trips at locations with high levels of public transport accessibility”* and *“increase the use of the Blue Ribbon Network [...] for freight use”*. Other policies relevant to this development include policies 6.3, 6.9, 6.10, 6.13 and 7.26.
- 8.151. The Council’s Core Strategy policy SP08 seeks to encourage the sustainable transportations of freight by *“promoting and maximising the movement of freight by water and rail to take the load off the strategic road network”*. Policy SP09 seeks to *“ensure new development has no adverse impact on the safety and capacity of the road network”* and promote *“car free developments and those schemes which minimise on-site and off-site car parking provision, particularly in areas with good access to public transport”*.
- 8.152. The Council’s Managing Development Document policy DM20 states that *“development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network”*. Policy DM21 states that *“development that generates a significant number of vehicle trips for goods or materials during its construction and operational phases will need to demonstrate how the impacts on the transport network and on amenity will be avoided, remedied or mitigated”*. Policy DM22 states that *“where development is located in areas of good public transport accessibility and/or areas of existing on-street parking stress, the Council will require it to be permit-free”* and that *“development will be required to meet, and preferably exceed, the minimum standards for cycle parking”*.

Traffic and Highway Assessment

- 8.153. A manual PTAL calculation for the site which takes into account the existing South Quay pedestrian bridge along with current frequencies for DLR, Jubilee Line and local bus services affords the site a PTAL rating of 4 indicating that the site has good public transport accessibility. This is evidenced through the site’s close proximity to Crossharbour DLR station, 2 bus stops and Canary Wharf Jubilee Line station, which is a 12 minute walk from the application site.

Mode	AM Peak (08:00-09:00)	PM Peak (17:00-18:00)	Daily Total
DLR	69	59	549
Underground	34	30	282
Bus	41	32	273
Riverbus	2	2	18
Total	146	123	1,122

Fig.26 – Expected Public Transport Trip Generation

- 8.154. The submitted transport assessment outlines that the proposed development is expected to generate an additional 146 public transport trips during the AM peak and 123 public transport trips during the PM peak. Of these additional public transport trips 69 in the AM peak and 59 in the PM peak are expected to take place on the DLR, 34 in the AM peak and 30 in the PM peak are expected to take place on the Underground, 41 in the AM peak and 32 in the PM peak are expected to take place by bus, and 2 journeys in both the AM peak and PM peak are expected to take place by riverbus.
- 8.155. In addition to the above trips expected to take place by public transport as a result of the development, a further 174 trips are expected to be generated through other transport modes in the AM peak (a large proportion of which are generated by the proposed nursery), along with a further 99 trips in the evening peak. The majority of these other trips will take place in the form of walked trips (147 in the AM peak and 83 in the PM peak), with the remainder of trips taking place by bike, taxi or car, with the latter generating 17 trips in the AM peak (of which 4 trips are as passengers) and 7 trips in the PM peak (of which 3 trips are as passengers).
- 8.156. Given the proposed number of trips expected to be generated by this development both in absolute terms and as a proportion of trips generated by committed development in the area (i.e. the cumulative impact on the public transport and highway network), officers are of the opinion that the proposed development is unlikely to have a material impact upon either the local public transport network or the existing highway network, a view which is also shared by the public transport service provider, TFL. It should be noted that the trip generation figures outlined above include the proposed residential and nursery uses and do not include the supporting ground floor retail uses, however given that such uses are expected to be used predominantly by residents of the proposed development and existing surrounding residents, and will thus most likely take place on foot, it is not considered that their omission would alter the conclusions reached by officers as these uses would not be expected to materially affect either the public transport or highway impacts of such a development.
- 8.157. The proposed development includes alterations to both the public highway network and the un-adopted streets which run through the development site. These alterations include the pedestrianisation and widening of Pepper Street through the application site, the removal of the southern portion of Muirfield Crescent, the widening of the northern portion of Muirfield Crescent (in order to make it a two way street), along with alterations to the dropped kerbs / access to the site and public realm improvements to Millharbour which will be the subject of a S.278 agreement.

These proposed changes and their resulting arrangements are discussed further in both the design section of this report and under the servicing and deliveries heading within this section of the report.

- 8.158. Officers consider that the alterations to both the public highway network and the un-adopted streets which run through the development site as outlined above will improve the highway network within the immediate context of the application site, will not have an adverse impact upon either the safety or the capacity of the surrounding highway network and will also enhance walking and cycling routes across the site and within the immediate context.

Parking

- 8.159. The proposed development does not seek to provide any car parking (with the exception of blue badge spaces), and given the good public transport accessibility of this site officers are supportive of this arrangement and will seek to secure a permit free agreement as part of the S.106 agreement which will prevent future residents of the development from being able to apply for parking permits. The existing car park within the basement will continue to house 52 car parking spaces which are allocated to existing leaseholders, including Davenport House and 21 Pepper Street (i.e. the applicant's other nearby landholdings which sit outside of the red line boundary), and as and when such leases expire these spaces will either be reassigned as blue badge spaces or removed altogether. Such arrangements however will be the subject of a car parking management plan which will be secured as part of the S.106 agreement.
- 8.160. Within the basement car park the applicant seeks to provide 8 blue badge car parking spaces. Whilst the proposed quantum of blue badge spaces provided for the 32 wheelchair units is above the Council's own policy requirement of 2 spaces, it is below the London Plan's requirements of 32 spaces for this development. Given however the high accessibility of the site and the fact that the DLR (which is a fully step free public transport system) sits within close proximity to the site officers are content to accept a lower provision of blue badge parking in this instance, a position supported by both TFL and LBTH highways. Furthermore it should be noted that the car parking management plan which will be secured as part of the S.106 agreement will seek to ensure that as and when further car parking spaces within the basement become available (as a result of lease expiry or renegotiation), they are reassigned as blue badge spaces to provide additional provision.
- 8.161. The London Plan (2016) requires 20% of all car parking spaces to be for electric vehicles, and the proposed basement floor plan indicates that 2 out of the 8 proposed blue badge spaces (exceeding 20%) will be allocated for electric vehicles.
- 8.162. In order to comply with the London Plan (2016) cycle parking standards the residential portion of the development is required to provide a minimum of 519 long stay spaces and 8 short stay spaces. The non-residential portions of the development are required to provide a minimum of 13 long stay spaces and 30 short stay spaces.
- 8.163. The proposed development proposes to provide a total of 557 long stay cycle parking spaces for the residential portion of the development which exceeds the minimum requirements. This provision includes 24 spaces for adaptable bicycles and is all provided within two secure basement cycle stores, both of which are

accessible via a dedicated cycle lift which provides direct access from the street to the cycle stores. A further 13 long stay cycle parking spaces for the non-residential portions of the development are also located across the two secure basement cycle stores, and are also both supplemented by changing and showering facilities for users. A condition requiring the retention and maintenance of the proposed cycle parking (and its ancillary facilities) for the lifetime of the development shall be imposed.

8.164. A total of 38 short stay cycle parking spaces are proposed within the landscaping at ground floor level throughout the development in the form of 'Sheffield' type stands for visitors to the residential units, retail and community facilities. This proposed provision is in accordance with London Plan (2016) requirements and officers are content that the location of the proposed short stay cycle parking spaces is appropriate. The condition outlined within the previous paragraph would also make reference to the proposed short stay cycle parking.

Servicing and Deliveries

8.165. All servicing and deliveries to the proposed development (including the collection of refuse) will take place within a service yard which can accommodate up to 2 large vehicles at a time and is located within the proposed basement. This will be accessed via a ramp beneath Building A which surfaces in the north west corner of the site close to where Muirfield Crescent meets Millharbour. The ramped access to the service yard will feature a traffic light control and vehicle detection system to ensure that vehicles travelling in opposite directions are not sent up/down the ramp at the same time. This system would by default set the lights at the top of the ramp to green (unless a vehicle was exiting the basement at the time) to allow for free movement into the service yard and car park to prevent any traffic congestion outside of the building. Given the above, officers are content with the proposed layout and design of the servicing and delivery facilities within this development.

Land Use	AM Peak (08:00-09:00)	PM Peak (17:00-18:00)	Daily Total
Residential	2	0	11
Retail	3	1	20
Community	0	0	0
Total	5	1	31

Fig.27 – Expected Servicing Trip Generation

8.166. The submitted transport assessment outlines that the proposed development is expected to generate 31 servicing trips per day, with 5 of these trips taking place in the AM peak and 1 of these trips taking place in the PM peak. Given the limited number of servicing trips expected to be generated by this development, of which only 6 per day will take place in peak periods, officers are content that the proposed servicing and delivery impacts of the proposal upon the existing highway network are acceptable.

8.167. The proposed alterations to the un-adopted streets which run through the application site (as explained under the 'traffic and highway assessment' of this section of the report) will affect existing servicing and delivery arrangements to

neighbouring buildings, including: Bellerive House; Archway House; Davenport House; 21 Pepper Street; and 8-19 Pepper Street (which features a small ground floor car park for residents). A vehicle count survey undertaken in June 2016 identified that the existing Muirfield Crescent saw 219 vehicular movements per day (111 arrivals and 108 departures), however it should be noted that a significant portion of these vehicle movements will either be redirected to the proposed basement or be serving buildings which will be demolished as part of this development.

- 8.168. Servicing and delivery to the retained neighbouring buildings will continue to take place at surface level, however vehicular access and egress to these buildings will now take place via the newly widened two-way Muirfield Crescent along the northern side of the site, as opposed to the current Muirfield Crescent one-way 'circular route' which runs through the site. The existing retained buildings which are still to be serviced on-street are expected to generate 34 vehicular movements per day (17 arrivals and 17 departures), a significant reduction on the current number of on-street vehicle movements. Officers are thus content that the low level of vehicle movements proposed will not adversely impact the usability and nature of the proposed public realm nor pose unacceptable safety concerns for more vulnerable users of this space (i.e. pedestrians and cyclists).

Conclusion

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

Waste

Policy Context

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

Assessment

- 8.173. The Council's current minimum waste requirements for new residential units are as follows:

Unit Size	Refuse (litres)	Dry Recyclables (litres)	Food Waste (litres)
1 Bed	70	50	23
2 Bed	120	80	23
3 Bed	165	110	23
4 Bed	215	140	23

Fig.28 – Council Minimum Waste Requirements

8.174. The following table outlines the minimum required waste storage requirements for this development and the levels of waste storage being proposed:

Waste Stream	Required Storage (litres)	Proposed Storage (litres)
Refuse	34,710	39,600
Dry Recyclables	23,510	26,880
Food Waste	7,337	8,160

Fig.29 – Proposed Waste Provision

8.175. For all three waste streams (refuse, dry recyclables and food waste) the levels of waste storage proposed exceed the minimum requirements which is welcomed. Whilst the applicant has explored alternative methods of waste collection in order to reduce the amount of vehicular trips required to make waste collections, including bin compaction, it was concluded that such alternative methods of waste collection were not possible as part of this proposal due the fact that compacting bins increases their weight which could damage the lifting mechanisms of the Council's waste trucks.

8.176. All waste storage is located within the basement and waste chutes (split by waste stream) are proposed within the two buildings allowing for future residents to easily dispose of waste. For the proposed townhouses within Building B, a small waste store is located at podium level and on-site facilities management will move this waste to the main basement store. Each building also has access to a bulky waste store within the basement for the storage of bulky waste goods which will be managed by the on-site facilities management team. Separate areas for the storage of commercial waste (to be collected by private contractors) have also been proposed within the basement. In order to ensure that such measures are adequately implemented a condition requiring the submission of a detailed waste management strategy would be imposed in the event that planning permission was to be granted.

Energy Efficiency and Sustainability

Policy Context

8.177. Paragraph 93 of the NPPF states that planning plays a key role in reducing greenhouse gas emissions, minimising vulnerability and providing resilience to the

impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. Paragraph 97 of the NPPF seeks to support development which can draw its energy supply from decentralised, renewable or low carbon energy supply systems.

- 8.178. Policy 5.2 of the London Plan (2016) states that *“development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy: 1) be lean: use less energy, 2) be clean: supply energy efficiently, 3) be green: use renewable energy”*. Policy 5.3 states that *“the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime”*. Policy 5.6 states that *“development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites”*. Policy 5.7 states that *“within the framework of the energy hierarchy, major development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible”*. Finally policy 5.9 states that *“major development proposals should reduce potential overheating and reliance on air conditioning systems”*.
- 8.179. The Council’s Core Strategy policy SP11 seeks to ensure that development helps to *“implement a borough-wide carbon emissions target of 60% below 1990 levels by 2025”*.
- 8.180. The Council’s Managing Development Document policy DM29 details the necessary carbon reductions over and above the building regulations requirements and states that *“development will be required to connect to or demonstrate a potential connection to a decentralised energy system unless it can be demonstrated that this is not feasible or viable”* and that *“sustainable design assessment tools will be used to ensure climate change mitigation measures are maximised within development”*.

Assessment

- 8.181. The applicant has submitted both an energy and sustainability statement which detail how the London Plan energy hierarchy of ‘be lean, be clean and be green’ has been adhered to in the design of the proposed building, and how sustainable design features have been incorporated into the proposal.
- 8.182. All reasonable endeavours have been made to reduce the amount of energy required by the building and supply it in the most efficient method possible, through the incorporation of a number of energy efficiency measures (including a rooftop PV array) and the delivery of a connection to the Barkantine CHP. These measures have led to the scheme achieving a 37.3% reduction in CO2 emissions for the residential elements and a 13% reduction for the non-residential elements against the Building Regulations 2013, short of the 45% policy target.
- 8.183. In accordance with policy requirements, the applicant has agreed to the full financial contribution to the Council’s carbon offsetting programme to achieve a total reduction of 45% (£473,400). In addition to securing the financial contribution through the S.106 agreement, a condition requiring the submission of the as built CO2 reduction calculations will also be required to ensure that they meet the current projected figures.

- 8.184. Part (4) of policy DM29 in the Managing Development Document states that sustainable design assessment tools will be used to ensure that development achieves the highest levels of sustainable design and construction. It should be noted that the Code for Sustainable Homes was abolished in 2015 and as such no longer applies to this development. As such the only sustainable design assessment tool relevant to this development is BREEAM which only covers the non-residential element of the proposal, and in order to meet policy DM29 the proposed non-residential elements of the proposal must be designed to achieve a BREEAM 'Excellent' assessment rating.
- 8.185. The submitted sustainability statement shows that the proposed commercial units have been designed to be BREEAM 'Excellent' achieving a score of 72.98% and the proposed nursery has also been designed to be BREEAM 'Excellent' achieving a score of 73.14%. In order to ensure that the development achieves this target a condition requiring the final certificates to be submitted within 3 months of completion of the development will be imposed.
- 8.186. Subject to the conditions outlined above and the carbon off-setting planning obligation, officers are content that the proposal accords with relevant policies and guidance with respect to energy efficiency and sustainability.

Environmental Considerations

Policy Context

- 8.187. Policies 5.10 and 5.11 of the London Plan (2016) state that *"development proposals should integrate green infrastructure" such as "roof, wall and site planting"*. Policy 5.12 states that *"development proposals must comply with the flood risk assessment and management requirements set out in the NPPF"*. Policy 5.13 states that *"development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for doing so"*. Policy 5.21 states that *"appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination"*.
- 8.188. Policy 7.7 states that *"tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference"*. Policy 7.8 states that *"new development should make provision for the protection of archaeological resources"*. Policy 7.14 states that *"development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality"*. Policy 7.19 states that *"development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity"*. Finally policy 7.21 states that *"existing trees of value should be retained and any loss as the result of development should be replaced"*, and *"wherever appropriate the planting of additional trees should be included in new developments"*.
- 8.189. The Council's Core Strategy policy SP03 states that air pollution in the borough will be addressed by *"managing and improving air quality along transport corridors"* and *"implementing a "Clear Zone" in the borough to improve air quality"*. Policy SP04 states that the Council will *"promote and support new development that provides green roofs, green terraces and other measures to green the built environment"* and that *"all new development that has to be located in a high risk flood zone must demonstrate that it is safe [and] that all new development across the borough does not increase the risk and impact of flooding"*. Policy SP10 states

that development should seek to protect and enhance archaeological remains and archaeological priority areas.

- 8.190. The Council's Managing Development Document policy DM9 states that *"major development will be required to submit an Air Quality Assessment demonstrating how it will prevent or reduce associated air pollution during construction or demolition"*. Policy DM11 states that *"development will be required to provide elements of a 'living building'"* and will be required to deliver *"biodiversity enhancements in accordance with the Council's Local Biodiversity Action Plan"*. Policy DM13 states that *"development will be required to show how it reduces the amount of water usage, runoff and discharge from the site, through the use of appropriate water reuse and Sustainable Urban Drainage (SUD) techniques"*. Policy DM27 states that development within Archaeological Priority Areas will be required to be accompanied by *"an Archaeological Evaluation Report and will require any nationally important remains to be preserved permanently on site"*.
- 8.191. Finally policy DM30 states that *"where development is proposed on contaminated land or potentially contaminated land, a site investigation will be required and remediation proposals agreed to deal with the contamination before planning permission is granted"*.

Archaeology

- 8.192. The application site is located within an Archaeological Priority Area and as such intrusive ground works during the demolition and construction works could disturb any archaeological heritage that has survived historical development. The Greater London Archaeological Advisory Service (GLAAS), has requested a condition securing a targeted programme of archaeological investigation and evaluation that would determine a detailed mitigation strategy to be implemented in advance of intrusive ground works. A condition securing this arrangement will be imposed in the event that planning permission is granted, and with the inclusion of this condition, the proposal can be considered to comply with relevant policy.

Air Quality

- 8.193. The applicant has submitted an air quality assessment which assesses the existing air quality of the site and surroundings as well as the level of emissions from transport generated by the proposed use and the building itself, as well as during the construction period. The assessment concludes that in this instance any emissions generated by the proposed development would either result in an imperceptible deterioration in air quality or no deterioration at all, and therefore the development meets the requirement to be 'Air Quality Neutral'.
- 8.194. The Council's Environmental Health Air Quality officer has reviewed the submitted air quality assessment and is in agreement with its conclusions. The air quality officer has however requested a condition that in the event that connection to the Barkantine heat network is not feasible and an on-site energy centre is required, a further air quality assessment shall be submitted in order to demonstrate that the impacts of the energy centre on local air quality is acceptable and that the energy centre meets the GLA's air quality neutral policies.

Biodiversity

- 8.195. The submitted Environmental Statement demonstrates that the application site itself has no significant biodiversity value, which the Council's biodiversity officer is in agreement with.
- 8.196. In order to comply with relevant policy which requires new development to provide elements of a living building and contributions towards the Council's Local Biodiversity Action Plan (LBAP), the applicant has proposed a number of biodiversity enhancement measures. These include brown roofs, bat boxes, bird boxes, additional trees and planting (including the creation of a new wildflower meadow). The Council's biodiversity officer concluded that the proposals would enhance biodiversity on the site and contribute towards the Local Biodiversity Action Plan (LBAP).
- 8.197. Subject to conditions requiring a precautionary bay survey (if works have not commenced by March 2018), details of proposed external lighting, and full details of biodiversity mitigation and enhancements, the proposal can be considered to comply with relevant policy.

Contaminated Land

- 8.198. The Council's Environmental Health Contaminated Land officer has reviewed the proposals and has requested conditions requiring the submission of a full site investigation report prior to the commencement of works and a full verification report prior to the occupation of the development to ensure that any land contamination present on this site is appropriately dealt with in order to minimise any risks to health and ecology.

Flood Risk

- 8.199. The application site falls within Flood Risk Zone 3 of the Environment Agency (EA) map, where the annual probability of fluvial flooding is classified as greater than 1 in 100 and the annual probability of tidal flooding is classified as greater than 1 in 200. Whilst Flood Risk Zone 3 represents an area with the highest level of flood risk, it should be noted that this area is well protected by the Thames Barrier.
- 8.200. The application is supported by a flood risk assessment which outlines a number of measures incorporated into the scheme's design which would allow occupants of the building to remain safe in the event of a flood. The Environment Agency have reviewed the submitted flood risk assessment and have not objected to the proposals due to the fact that whilst there is no safe means of access and/or egress in the event of flooding to an area wholly outside of the floodplain (due to the low lying nature of the Isle of Dogs), safe refuge of building occupants could take place within the higher floors of the development in the event of a flood. In light of the above officers consider that the proposed development is acceptable in flood risk terms.

Microclimate

- 8.201. An assessment of the likely wind conditions as a result of the development and the suitability of these in terms of pedestrian comfort has been undertaken which has been informed by meteorological data and detailed wind tunnel testing. It should be noted that the wind microclimate in and around the application site is considered to be relatively calm.

- 8.202. Within the proposed development a landscaping scheme including the planting of a number of trees along and within key pedestrian routes and squares has been proposed in order to mitigate the increased wind levels as a result of the proposals. Once such mitigation has been factored in, the resultant wind conditions throughout the site and the surrounding area have been concluded to be suitable for their intended uses, and as such the proposal can be considered to be acceptable in terms of its impact on the local microclimate.

Solar Glare

- 8.203. The impacts of the proposal on driver's sight lines within the surroundings of the application site, in terms of any reflected solar glare generated by this development, have been assessed as part of the daylight and sunlight assessment. In all of the locations tested it has been concluded that the proposal would only have a minor adverse impact upon driver's sight lines as there are either no instances of solar glare in most locations or very minor instances of solar glare on some minor local roads.

SUDS

- 8.204. As part of the proposed flood risk assessment the applicant has submitted details of how SUDS (Sustainable Urban Drainage) features could be incorporated into the development, which include attenuation tanks (underground storage), living roofs, rainwater harvesting and the potential to discharge some surface water into the adjacent Millwall Docks (subject to permission from the Canals and Rivers Trust). These measures would reduce the surface water discharge rate to the sewers by 50%, compared to the existing situation.
- 8.205. Subject to a condition requiring the submission of a detailed surface water drainage scheme for the site based on sustainable drainage principles prior to the commencement of any superstructure works, the proposal can be considered to comply with relevant policy relating to SUDS.

Television and Radio Reception

- 8.206. Given the scale of existing development within the surrounding area, it is not expected that the proposed development would give rise to any notable radio and television signal interference for surrounding properties. Nonetheless in the event that planning permission was to be granted a condition requiring the submission of such an assessment, along with any mitigation measures necessary (in the event that any adverse impacts are identified) prior to the commencement of development will be imposed.

Trees

- 8.207. The proposed development involves the loss of a number of existing trees as well as the retention of a number of existing trees, however also proposes a number of new trees within the proposed public realm, such as along Pepper Street, within the pocket park on the south-western corner of the site, and within the two new public spaces on the eastern side of the site. Given the above it is considered that the proposal appropriately mitigates for the proposed tree losses and is acceptable subject to conditions requiring a detailed planting scheme and details of how retained trees both on and close to the site will be protected during construction works.

Conclusion

8.208. Officers consider that the proposal is acceptable in archaeology, air quality, biodiversity, contaminated land, flood risk, microclimate, solar glare, SUDS, television and radio reception terms, and also in terms of its impact on trees. The proposal can thus be considered to be in accordance with the relevant policies of the London Plan (2016), Core Strategy (2010) and Managing Development Document (2013) as set out within the policy context section of this chapter.

Environmental Impact Assessment

8.209. The planning application represents EIA development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (from this point referred to as the '2011 EIA Regulations'). The application was submitted in December 2016 accompanied by an Environmental Statement (ES) produced by Waterman Infrastructure & Environment Limited.

8.210. It is noted that since the application was submitted, new EIA Regulations have been published on 16th May 2017 - The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (from this point referred to as the '2017 EIA Regulations'). Regulation 76 of the 2017 EIA Regulations sets out the transitional provisions for the regulations. Regulation 76(1) specifically states The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) continue to apply where an ES has been submitted prior to the 2017 EIA Regulations coming into force. This application therefore continues to be processed under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

8.211. The ES assesses the environmental effects of the development under the following topics:

- Development Programme and Construction;
- Socio-Economics;
- Transportation and Access;
- Air Quality;
- Noise and Vibration;
- Archaeology;
- Ground Conditions and Contamination;
- Water Resources and Flood Risk;
- Daylight, Sunlight and Overshadowing;
- Wind; and
- Cumulative Effects.

8.212. In addition, the Applicant submitted 'further information' under Regulation 22 of the 2011 EIA Regulations, which was processed as required under the regulations.

8.213. Regulation 3 prohibits the Council from granting planning permission without consideration of the environmental information. The environmental information comprises the ES, including 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.

- 8.214. LBTH's EIA consultants were commissioned to undertake an independent review of the ES, to confirm whether it satisfied the requirements of the EIA Regulations. The ES has also been reviewed by the Council's EIA Officer and internal environmental specialists.
- 8.215. The EIA consultants and EIA Officer have confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.
- 8.216. LBTH, as the relevant planning authority, has taken the 'environmental information' into consideration when determining the planning application. Mitigation measures will be secured through planning conditions and/or planning obligations where necessary.

Impact Upon Local Infrastructure/Facilities

- 8.217. Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Planning Obligations SPD (2016) sets out how these impacts can be assessed along with appropriate mitigation measures.
- 8.218. 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.
- 8.219. Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.220. Securing necessary planning contributions is further supported Core Strategy Policy SP13 'Planning obligations' which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development. This is explained in the Council's Draft Planning Obligations SPD that sets out the borough's key priorities:
- Affordable Housing
 - Employment, Skills, Training and Enterprise
 - Education
- 8.221. If permitted and implemented, the proposal would also be subject to the Council's community infrastructure levy.
- 8.222. The proposed development would place additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene. Should planning permission be granted, the LBTH CIL contribution is estimated at £6,205,626.74.

- 8.223. In addition the development would be liable to the London Mayor's CIL estimated at £1,409,614.48. The development does not sit within 1km of a proposed Crossrail station and thus would not attract the Mayor's Crossrail levy.
- 8.224. The applicant has also offered 35% affordable housing by habitable room with a tenure split of 70.5%/29.5% in favour of social/affordable rented accommodation (66% Tower Hamlets living rents and 34% London Affordable rents) and shared ownership housing, respectively. This offer has been independently viability tested and the information submitted is considered to be comprehensive and robust. The maximum level of affordable housing has been secured in accordance relevant development plan policy. A development viability review clause to identify and secure any uplift of affordable housing if the development has not been implemented within 48 months from the grant of permission (with the definition of 'implementation' to be agreed as part of the S.106 negotiations) would also be secured should permission be granted.
- 8.225. Should permission be granted, the developer would also be required to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a car parking permit-free agreement (other than for those eligible for the Permit Transfer Scheme), a welfare facility for the Metropolitan Police, a S.278 agreement, a management plan to reduce on-site parking and a residential travel plan. The developer would also be required to provide and maintain public access through the site and within areas of public realm on site.
- 8.226. The financial contributions offered by the applicant are summarised in the following table:

Planning Obligation	Financial Contribution
Employment, skills, training and enterprise during the construction phase	£129,082.12
Employment, skills and training to access employment within the final development.	£9,159.15
Carbon off-set initiatives	£473,400
Monitoring	£6,500
Total	£618,141.27

- 8.227. These obligations are considered to meet the tests set out in guidance and the CIL regulations.

Other Local Finance Considerations

- 8.228. 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.
- 8.229. Section 70(4) defines "local finance consideration" as:

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

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

8.231. 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.

8.232. Using the DCLG’s New Homes Bonus Calculator, this development, if approved, would generate in the region of £453,927.00 in the first year and a total payment of £2,723,564.00 over 6 years.

Human Rights Act 1998

8.233. 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.

8.234. 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 and the Human Right Act 1998.

Equalities Act 2010

8.235. 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:

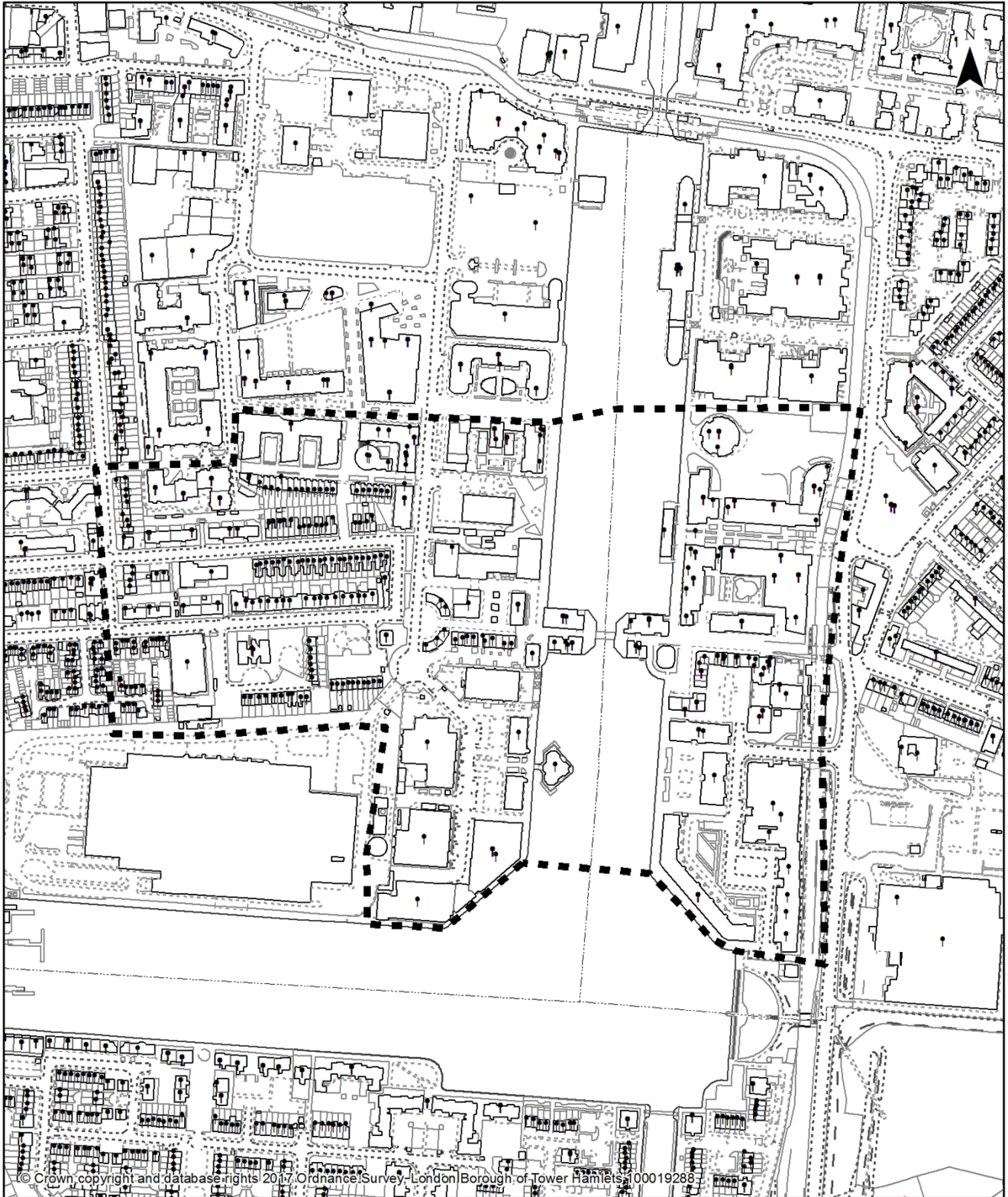
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share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

8.236. 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, it should be noted that the development includes access

routes and buildings that would be accessible to persons with a disability requiring use of a wheelchair or persons with less mobility.

9.0 CONCLUSION

- 9.1 All relevant policies and considerations have been taken into account. Planning Permission should be **GRANTED** for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report and the details set out in the RECOMMENDATIONS at the beginning of this report.



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Planning Application Site Map PA/16/03518

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

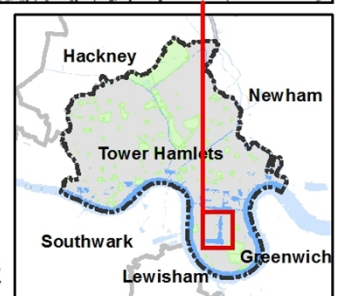
-  Consultation Area
-  Statutory Listed Buildings
-  Locally Listed Buildings



GIS for
Place Directorate

LONDON BOROUGH OF TOWER HAMLETS

Date: 02/10/2017



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Agenda Item 5.2

Committee: Strategic Development	Date: 26 October 2017	Classification: Unrestricted
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Report of: Directorate of Place	Title: Application for Planning Permission & Listed Building Consent Ref No: PA/17/00534 & PA/17/00536
Case Officer: Kevin Crilly	Ward: Blackwall and Cubitt Town

1.0 APPLICATION DETAILS

Location:	East India Dock Basin, Lower Lea Crossing, London
Existing Use:	Open Space – Lea Valley Park
Proposal:	Relocate the Historic vessel SS Robin from the Royal Victoria Docks to the East India Dock Basin. The vessel will occupy an elevated position on the east side of the Lock Entrance beside the River Thames.
Drawings:	Site Boundary and access points SS Robin Relocation Proposal: Existing SS Robin Relocation: Proposal SS Robin Section in Place on the Quayside SS Robin Deck Plan SS Robin Starboard Side USM SSR 007 USM SSR 010 USM SSR 011 USM SSR 012 Location Details SS Robin Proposed Location from Selected Viewpoints
Documents:	<ul style="list-style-type: none">• Design & Access Statement• Heritage Statement
Applicant:	SS Robin Trust
Freeholder:	Lea Valley Park
Historic Assets:	Site is located on Grade II listed Blackwall Pier and Entrance Lock of the former East India Dock Basin. The vessel is on the National Register of Historic Vessels (NRHV) and is part of the National Historic Fleet (NHF)

2.0 EXECUTIVE SUMMARY

- 2.1 These applications have been considered against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy(2010) and Managing Development Document (2013) as well as the London Plan (2016) and the National Planning Policy Framework and all other material considerations.
- 2.2 The proposal seeks to relocate the historic vessel SS Robin from its current location in the Royal Victoria Docks (London Borough of Newham) to the East India Dock Basin where it would occupy an elevated position on the east side of the Lock entrance beside the River Thames, within the Lee Valley Regional Park.
- 2.3 The SS Robin is of historic importance both nationally and globally. The ship is considered to be the world's oldest cargo steamer to retain original engines and machinery and the only surviving complete cargo steamer of a type which dominated British and Continental trade during the late 19th and early 20th century. The SS Robin was built in 1890 by MacKenzie, McAlpine & Co. of Orchard House Yard, Hercules Wharf, Blackwall, approximately 100 metres from the proposed location of the vessel.
- 2.4 The East India Dock Basin is the surviving area of an extensive East India Docks and has been preserved as a nature reserve and publicly accessible open space. It is designated as Metropolitan Open Land and forms part of the Lee Valley Regional Park, the basin itself is part of the Blue Ribbon Network.
- 2.5 The site does not fall within a conservation area, however the application site does comprise of development within the setting of the Grade II listed Blackwall Pier and Entrance Lock.
- 2.6 The loss of 1.3% of the existing Metropolitan Open Space from the East India Dock basin, and the provision of a historic vessel can be considered to be acceptable in this instance as the proposed development meets the relevant exceptions in policy for developing within metropolitan open space, does not adversely impact upon the ability of East India Dock Basin to continue to be used for recreation, and also provides additional cultural and historic interest within the Borough.
- 2.7 The proposal would encourage greater awareness of the history, environment and character of the southern section of the River Lea, which currently lacks focus or draw to encourage visitors.
- 2.8 The proposed location of the vessel is acceptable in terms of its layout, scale and appearance. Officers' are of the opinion that although the proposal would significantly impact upon the open character of East India Dock Basin, this impact and harm would be outweighed by the heritage benefits of locating the listed ship in this location providing historic and visual interest, and enhancing the experience for existing and future residents, workers and visitors to the area.
- 2.9 By virtue of the separation distance from residential neighbours, the proposal would not impact on the amenity of any surrounding neighbouring residents or building occupiers.
- 2.10 The proposal would not have an adverse impact upon the local highway network; as such the proposal is acceptable in transport and highways terms.

- 2.11 As such, subject to the recommended conditions, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission and listed building consent subject to:

- a) That the Corporate Director of Place is delegated authority to issue the planning permission and listed building consents and impose conditions and informatives to secure the following matters:

- 3.2 Conditions on planning permission

- 1) Time limit (compliance)
- 2) Development to be built in accordance with the approved plans (compliance)
- 3) Construction environmental management plan – details of method of relocation and installation (pre-commencement)
- 4) Details of the structures necessary to secure ship to the dock (pre-commencement)
- 5) Details of proposed lighting (pre-commencement)
- 6) Details of proposed signage (pre-commencement)
- 7) Cleaning management plan (pre-commencement)
- 8) Structural report/ Grade II listed Blackwall Pier and Entrance Lock (pre-commencement)

- 3.3 Conditions on listed building consent

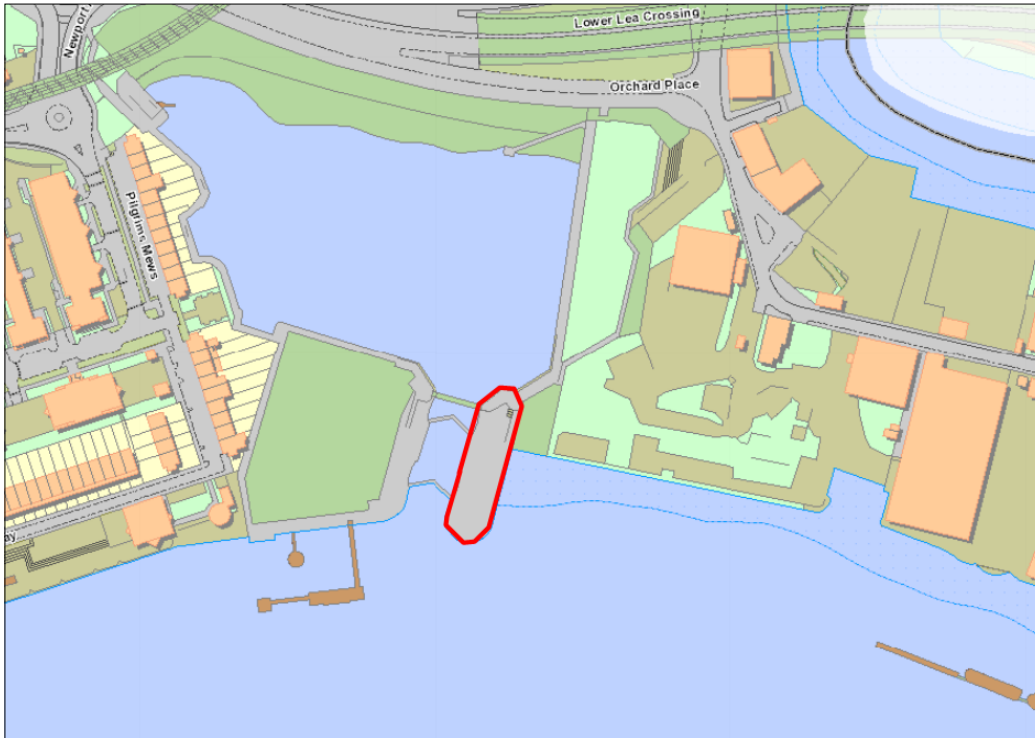
- 1) Time limit (compliance)
- 2) Development to be built in accordance with the approved plans (compliance)
- 3) Historic interpretation boards

- 3.4 Any other conditions and informatives considered necessary by the Corporate Director of Place.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The East India Dock Basin is the surviving area of an extensive East India Docks and has been preserved as a nature reserve and publicly accessible open space. It is designated as Metropolitan Open Land. It comprises the southern end of the Lee Valley Regional Park, the southern part of the site is bounded by the River Thames. The surviving entrance basin of the dock retains the Victorian lock entrance from the Thames. The east side of the lock is a prominent feature projecting into the river, providing a level platform which is also level with the east side of the basin.



Site plan showing the basin with the proposed location of the vessel in red.

- 4.2 The East India Dock Basin is part of the Blue Ribbon Network and the Green Grid and is accessible to the public during daylight hours, with gates access from Jamestown Way on the south-western side and from Orchard Place in the north-eastern corner. There are pedestrian bridges across the lock. The water area and the northern and western banks of the basin provide a haven for wildlife.
- 4.3 The Basin is bordered by the low rise residential development of Virginia Quay to the west and to the north by the elevated Lower Lea Crossing highway. Immediately to the east, the existing commercial site is a safeguarded wharf.
- 4.4 North of Orchard Place and further east, the north and south Leamouth residential developments are at an advanced stage of construction and will provide over 800 residential units. North of the Lower Lea Crossing highway, the City Island development is nearing completion, providing 1700 new households.
- 4.5 At the eastern end of Orchard Place, Trinity Buoy Wharf comprises of a thriving community of creative businesses, a school, arts campus and cafes.
- 4.6 The application site forms part of the Grade II listed Blackwall Pier and Entrance Lock of the former East India Dock Basin.

Background and Planning History

Application Site



Aerial photo illustrating the existing site and surrounds

4.7 The following planning history is available for the application site:

- Advertising Consent (PA/13/02376/NC) was permitted on 04/12/2013 which included the removal of existing and installation of a total of five signs comprising 3 x Wall Mounted entrance signs, 1 x post mounted square sign and 1 x post mounted directional sign.
- Full Planning Consent (PA/06/01375) was permitted on 28/09/2006 for the provision of pedestrian ramps, paths, gates and benches.

4.8 The immediate area surrounding the site is undergoing significant redevelopment. There are several notable planning applications that are relevant to the site and surrounding context.

Orchard Wharf

- PA/11/03824 – Cross-boundary hybrid planning application for erection of a concrete batching plant, cement storage terminal and aggregate storage facilities, together with associated structures and facilities, walkway and landscaping, jetty and ship to shore conveyor.
Refused -02/10/2012

Hercules Wharf

- PA/14/03594 - Demolition of existing buildings at Hercules Wharf, Union Wharf and Castle Wharf and erection of 16 blocks (A-M) ranging in height from three-storeys up to 30 storeys (100m) (plus basement) providing 834 residential units; Retail / Employment Space (Class A1 – A4, B1, D1); Management Offices (Class B1) and Education Space (Class D1); car parking spaces; bicycle parking spaces; hard and soft landscaping works including to Orchard Dry Dock and the repair and replacement of the river wall.
Granted – 22/09/2016

Proposal

- 4.9 The proposal seeks planning permission and listed building consent to relocate the historic vessel SS Robin from the current location in the Royal Victoria Docks to the East India Dock Basin where it would occupy an elevated position on the east side of the lock entrance beside the River Thames.
- 4.10 It is proposed to locate the SS Robin on the oval shaped eastern side of the lock. This structure is 75 meters long and 20 meters wide, and would accommodate the historic vessel which measures 43.5 meters long by 6.9 metres in width, leaving circulation space around all sides of the vessel.
- 4.11 The vessel would be supported on a cradle and chocks so that it is elevated 1.5 meters above the paving surface, clear of the existing historic bollards and capstan, and also avoiding the grills covering the old lock machinery pits. The cradles would be black-painted steel, while oak blocks would be at 6 meter intervals supporting the keel. The underside of the hull of the vessel would therefore be entirely exposed to public view, in a similar fashion to the Cutty Sark at Greenwich. This elevated position would also increase visibility of the vessel from the land and water.
- 4.12 The following image has been provided by the applicant to illustrate the proposal and its appearance from the Thames River.



Figure1: Proposed location of the SS Robin on the East India Dock Basin, Lock Entrance, viewed from the Thames River.



Figure 2: Aerial photo illustrating the proposed location of the SS Robin on the East India Dock Basin.

5.0 POLICY FRAMEWORK

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

Land Use Designations

- Metropolitan Open Land
- Lea Valley Regional Park
- Publicly Accessible Open Space
- Site of Important Nature Conservation
- Blue Ribbon Network
- Archaeological Priority Area

- 5.2 Appendix 2 provides a site plan showing these designations

- 5.3 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:

- 5.4 Government Planning Policy

National Planning Policy Framework 2012
National Planning Practice Guidance

- 5.5 London Plan 2016

2.18 – Green infrastructure: the multi-functional network of green and open spaces

5.12 – Flood risk management

5.17 – Waste capacity

6.3 – Assessing effects of development on transport capacity

6.9 – Cycling

- 6.13 – Parking
 - 6.14 – Freight
 - 7.1 – Lifetime neighbourhoods
 - 7.2 – An inclusive environment
 - 7.3 – Designing out crime
 - 7.4 – Local character
 - 7.5 – Public realm
 - 7.6 – Architecture
 - 7.14 – Improving air quality
 - 7.15 – Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
 - 7.18 – Protecting open space and addressing deficiency
 - 7.19 – Biodiversity and access to nature
 - 7.24 – Blue ribbon network
 - 7.26 – Increasing the use of the blue ribbon network for freight transport
 - 7.27 – Blue ribbon network: supporting infrastructure and recreational use
 - 7.28 – Restoration of the blue ribbon network
 - 7.30 – London’s canals and other rivers and waterspaces
- 5.6 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
 - SP08 – Making connected places
 - SP09 – Creating attractive and safe streets and spaces
 - SP10 – Creating distinct and durable places
 - SP12 – Delivering placemaking
- 5.7 Managing Development Document 2013
- DM3 – Delivering homes
 - DM9 – Improving air quality
 - DM10 – Delivering open space
 - DM11 – Living buildings & biodiversity
 - DM12 – Water spaces
 - DM14 – Managing waste
 - 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
 - DM27 – Heritage and Historic Environment
- 5.8 **Supplementary Planning Guidance/Documents and Other Documents**
- Planning Obligations SPD (LBTH 2016)
 - The Setting of Heritage Assets Good Practice Advice (Historic England 2015)
 - Accessible London: Achieving an Inclusive Environment SPG (GLA 2014)
 - London View Management Framework (GLA 2012)
 - The Lee Valley Regional Park Authority’s Park Plan (2000)

6.0 CONSULTATION RESPONSE

6.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application. The responses are summarised below:

Historic England

6.3 No objection

Lee Valley Regional Park Authority

6.4 No objection subject to further details being submitted regarding the method of installation of the ship, the structural stability of the lock and ensuring there was sufficient space for pedestrians to circulate around the ship.

Canal & River Trust

6.5 No comment.

LBTH Transportation & Highways

6.6 No objection.

Thames Water (TW)

6.7 No comment.

Environment Agency (EA)

6.8 No comment.

London City Airport

6.9 No comment.

Greater London Archaeological Advisory Service

6.10 No objection.

Metropolitan Police

6.11 Concerns were raised with regards the potential for anti-social behaviour and vandalism of the SS Robin. This is discussed further within the material planning considerations.

Port of London Authority

6.12 It is understood that the vessel would occupy an elevated position on the east side of the lock entrance beside the River Thames. The proposed location for the vessel is in close proximity to the safeguarded Orchard Wharf. Policy 7.26 of the London Plan protects safeguarded wharves for waterborne cargo handling uses and requires

developments adjacent or opposite safeguarded wharves to be designed to minimise the potential for conflicts of use and disturbance.

- 6.13 Given the strong policy protection afforded to the safeguarded wharf and the strong policy protection afforded to conserving and enhancing the historic environment, the applicant must, prior to a decision being made on the application, undertake an assessment of the impact that the vessel would have on the wharf and its reactivation.
- 6.14 The Council would be aware from the appeal decision relating to a proposal to reactivate Orchard Wharf for waterborne cargo handling that the historic environment including the character of East India Dock Basin and the setting of listed structures were considerations. It therefore needs to be demonstrated through application PA/17/0534 that the siting of the grade 1 listed vessel would not have a detrimental impact on the wharf and its reactivation.
- 6.15 In the absence of this assessment the PLA objects to application PA/17/0534.
- 6.16 Should planning permission be granted for the development then conditions should require full details of all external lighting to be submitted and approved and full details of how the vessel would be lifted into position should also be submitted and approved.

Royal Borough of Greenwich

- 6.17 No comments received.

7.0 LOCAL REPRESENTATION

- 7.1 Public consultation took place in accordance with statutory requirements. This included a total of 27 letters sent to neighbours, a press advert published in East End Life and site notice displayed outside the application site. The number of representation received in response to notification and publicity of the proposal are as follows:

No of individual responses: Objecting: 0 Neutral: 0 Supporting: 1

The following comments were made:

- 7.2 *We strongly support prolonging the life of the vessel and her future potential. The proposal would also enhance the East India Dock Basin and its links to the Park."*

8.0 MATERIAL PLANNING CONSIDERATIONS

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

- 8.2 Other material issues addressed within the report include biodiversity as well as financial, health, human rights and equalities considerations.

Land Use

Policy context

- 8.3 Policy 7.17 of the London Plan states that the strongest protection should be given to London's Metropolitan Open Land (MOL) and inappropriate development refused, except in very special circumstances. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL.
- 8.4 Policy 7.18 states that "the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area".
- 8.5 Policy 7.30 states that "development within or alongside London's docks should protect and promote the vitality, attractiveness and historical interest of London's remaining dock areas by promoting their use for mooring visiting cruise ships and other vessels and promoting their use for water recreation".
- 8.6 Core Strategy Spatial Policy 04 provides the basis to deliver a network of open spaces across the borough through protecting and improving existing open space, creating new open space and improving access to and between open spaces. Policy DM10 sets out how new development will be required to contribute to delivering such a network of open spaces.
- 8.7 Policy DM12 states that "development within or adjacent to the Blue Ribbon Network will be required to demonstrate that there is no adverse impact on the Blue Ribbon Network [and] will need to identify how it would improve the quality of the water space and provide increased opportunities for access, public use and interaction with the water space".
- 8.8 Policy 7.17 of the London Plan aims to designate land as MOL, boroughs need to establish that the land meets at least one of the following criteria:
- a. it contributes to the physical structure of London by being clearly distinguishable from the built up area.
 - b. it includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London.
 - c. it contains features or landscapes (historic, recreational, biodiversity) of either national or metropolitan value.
 - d. it forms part of a Green Chain or a link in the network of green infrastructure and meets one of the above criteria.
- 8.9 The revised Park Development Framework Final Draft Area 1 Proposals (Prepared by the Lee Valley Regional Park Authority and adopted in January 2016) contain the following specific measures:
- Protect, enhance and improve the interpretation of listed heritage features and structures at East India Dock Basin as an integral part of its development as a visitor attraction/destination and gateway to the Regional Park. Further feasibility work to identify works to improve and preserve the heritage assets.
 - The development of sculpture/feature at the southern extent of the Regional Park adjacent to the Thames at East India Dock Basin, to complement a

similar feature at the northern extent of the park in Ware, to celebrate the entrance to the Regional Park.

- Events, exhibitions, performance art, filming and cultural activities to be supported and developed as an integral part of the visitor offer at Three Mills and East India Dock Basin catering for both local and national audiences and making use of existing buildings and the open spaces.

8.10 Policy DM10 of Tower Hamlet's Development Management Document 2013 states that:

- Development on areas of open space will only be allowed in exceptional circumstance where a) it provides essential facilities to ensure the function, use and enjoyment of the open space, or b) as part of a wider development proposal there is an increase of open space and a higher quality open space outcome is achieved.
- Development should not adversely impact on the public enjoyment of the Lee Valley Regional Park, its openness, ecological and heritage value. Development which affects the Park will be required to enhance recreational value, water-based habitats and pedestrian and cycle ways into and through the Park, especially where these aid connectivity between new and existing open spaces.
- The open spaces, waterways and recreational facilities of the Lee Valley Regional Park form an important part of the borough's green and blue grid networks and connect the borough with the wider Regional Park. The Park is a valuable resource for the borough with potential to contribute to creating healthy and liveable communities, particularly where links into this network can be enhanced and complemented by new open space delivered as part of development. The Regional Park Authority has a statutory duty to either provide directly or work with partners to provide facilities for sport, recreation, leisure, entertainment and nature conservation throughout the Park.

Loss of Existing Metropolitan Open Land (MOL)

- 8.11 It is proposed to relocate the restored historic vessel, SS Robin from its current pontoon in the Royal Docks to a prominent position on the oval shaped eastern side of the lock, within the East India Dock Basin. This structure is 75 meters long and 20 meters wide, and would accommodate the historic vessel which measures 43.5 meters long by 6.9 metres in width, leaving between 4 and 7 metres circulation space around all sides of the vessel.
- 8.12 The proposal would occupy approximately 300sqm of Metropolitan Open Land (MOL) within the East India Dock Basin. The East India Dock Basin, including the water occupies an area of 17,976sqm. Without water, the total MOL is 20,010sqm. In total, the proposal would result in a loss of 1.3% of MOL without including the water space or 0.7% including the water area.
- 8.13 The vessel would be supported on a cradle and chocks so that it is elevated 1.5 meters above the paving surface, with the underside of the hull of the vessel entirely exposed to public view, in a similar fashion to the Cutty Sark at Greenwich. This elevated position would also increase visibility of the vessel from the land and water. The vessel would essentially act as a large piece of sculpture within the metropolitan open space.
- 8.14 The loss of existing metropolitan open space can be considered to be acceptable in this instance as the proposed development meets the relevant exceptions in policy for

developing within metropolitan open space, does not adversely impact upon the ability of East India Dock Basin to continue to be used for recreation and leisure activities, and also provides an additional historic asset within the Borough.

- 8.15 In line with the aim of the Lea Valley Regional Park Authority's Park Plan, the proposal would serve to enhance and improve the interpretation of listed heritage features and structures at East India Dock Basin as an integral part of its development as a visitor attraction/destination and gateway to the Regional Park.
- 8.16 The proposal would also be in line with Policy 7.30, which seeks that development within or alongside London's docks should protect and promote the vitality, attractiveness and historical interest of London's remaining dock areas by promoting their use for mooring visiting cruise ships and other vessels and promoting their use for water recreation". The SS Robin was built in 1890 by MacKenzie, McAlpine & Co. of Orchard House Yard, Hercules Wharf, Blackwall, approximately 100 metres from the proposed location of the vessel. It is the only surviving intact example of a coastal cargo steamer in the world. Because of its rarity, it was acquired in 1974 by the Maritime Trust and designated as a Registered Historic Vessel as part of the National Historic Fleet (See appendix 3 for details of these designations).

Open Space

- 8.17 In line with Policy DM10 of Council's Managing Development Document, which allows development on areas of open space in exceptional circumstances where it provides essential facilities to ensure the function, use and enjoyment of the open space; it is considered that the proposal would promote the use of, and enhance the public enjoyment and use of, the Lee Valley Regional Park. The views from the site to the O2 Arena opposite also form an important attraction and lend an extra element of interest to the site.

Blue Ribbon Network and Protected Wharf

- 8.18 The proposed site forms part of the Blue Ribbon Network. Tower Hamlets policy requires development within these areas to promote and encourage public use of the open space and waterways whilst also protecting the water spaces and the areas surrounding the waterspace. It is considered that locating the vessel within the proposed site would have a positive impact, attracting visitors to the area without negatively impacting on the Blue Ribbon Network.
- 8.19 Officers acknowledge that the neighbouring site at Orchard Wharf is a protected wharf within the London Plan. It is recognised that the surrounding built context is undergoing significant change with a number of significant developments within the vicinity of the basin and that the development of Orchard Wharf will form part of this changing landscape when this site comes forward for development.
- 8.20 It is considered that any development on the adjacent wharf site could have a potential impact on the setting of the proposed vessel, and if planning and listed building consent is granted for this application, the vessel would form a material planning consideration in any future application on the wharf. However, officers would ultimately need weigh any potential heritage/townscape impact against the sites designation and as a wharf and the strong policy protection afforded to it. As such, officers do not consider this development would prejudice the ability of the wharf to come forward.

Setting, Design & Heritage

Character and appearance

- 8.21 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.22 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.
- 8.23 Chapter 7 of the London Plan places an emphasis on robust design in new development.
- 8.24 The Placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.
- 8.25 Policies DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- 8.26 A key planning issue rests on the impact of the proposal on the character and appearance of the East India Dock Basin and the waterfront to the river. A number of local and more distant views have been tested and submitted as part of the Heritage, Townscape and Visual Impact Assessment.



Figure 1: Existing view from DLR



Figure 2: Proposed view from DLR



Figure 3: Proposed view from Lower Lea Crossing footpath



Figure 4: Proposed view from Virginia Quay



Figure 5: Proposed view from East Quay

- 8.27 In townscape terms, the historic vessel would fit comfortably in its proposed position. The dimensions of SS Robin are in proportion to the size of the existing platform provided by the eastern side of the Dock entrance. It would be a prominent feature on the river frontage, however would not detract from the existing quality of the nature reserve. It is acknowledged that, given the scale of the vessel at its proposed location the vessel would enclose the basin somewhat and limit views of the river from some viewpoints within the basin. However, it is officers view that, although there would be some resultant harm to the open character of the basin from locating the vessel in this location, this would be confined to this one particular location. The overall size of the basin would largely remain unaffected.
- 8.28 The East India Dock Basin has been well preserved and has enormous potential for greater public access to enjoy its wildlife and its vantage points. Despite the surviving lock and substantial area of water, there is limited evidence of its previous use of shipping or marine activity and at present it is little visited by the public.
- 8.29 The new location would be within 100m of where the SS Robin was originally built. It would enable the public to get up close and enjoy all-round views of the vessel. It would act as a new landmark from the river, from the Basin itself and from outside the Basin, including views from Lower Lea Crossing. Interpretation panels explaining the provenance and history of SS Robin, and its local connections with Blackwall would enhance the visitors' experience. It would provide a fitting addition to the termination of the southern end of the Lea Valley and the Lea Valley Regional Park, alongside the existing Lighthouse and Chain Store of Trinity Buoy Wharf, and enhance the character and appearance of Leamouth.
- 8.30 In line with Core Strategy policy SP02 and MDD policies DM1, DM24 and DM26, the design strategy for the proposed location of the vessel beside the lock overlooking the river reflects the transitional location of the site and responds to the immediate context; fitting in with the existing open landscape and historical context of the East India Dock Basin.

Heritage assets

- 8.31 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to "have special regard to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

- 8.32 Policy 7.8 of the London Plan states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.
- 8.33 LBTH Core Strategy Policy SO22 seeks to “protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views”. Core Strategy Policy SP10(2) of the Council’s adopted Core Strategy (2010) seeks to protect and enhance the Borough’s Conservation Areas and Listed Buildings and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.34 MDD policy DM27 also relates to heritage and the historic environment and seeks to protect and enhance the borough’s heritage assets, their setting and their significance as key elements of developing the sense of place of the borough’s distinctive ‘Places’.
- 8.35 Paragraph 137 of the NPPF requires proposals ‘to look for opportunities within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the relevance of the asset should be considered favourably.
- 8.36 In terms of the National Planning Policy Framework, it is considered that the proposal cause no harm to the designated heritage assets or their setting, but instead would enhance them whilst also generating public benefit.
- 8.37 The proposed new location of the SS Robin is a designated heritage asset, being part of the Blackwall Pier and Entrance Lock of the former East India Dock Basin, Listed Grade II in 1983, therefore the applicant has also submitted an application for listed building consent. Historic England’s list entry description is as follows:
- ‘c1803 origin with later enlargement, the entrance to Rennie and Walker’s East India Dock Basin. Brick faced with ashlar copings to quays, partly timber fended. The lock has now been back filled up to later c19 iron plated lock gates but beyond them the quay walls have pairs of grooves cut in ashlar blocks probably for earlier set of gates. The quays and pier retain their complement of bollards and capstans.’*
- 8.38 Pevsner’s Buildings of England London 5: East (2005) has the following entry:
- ‘ the East India Docks Entrance Basin is now a nature reserve....The Entrance Basin Lock is of 1897, a new cut south of the existing passage made by H.E & F.A James; gates by Thames Iron Works Company, gate machinery by W.G Armstrong Whitworth & Company.’*
- 8.39 The SS Robin would be located on cradles in an elevated position with the bottom of its hull 1.5 metres above ground so that the existing bollards and capstan on the pier are retained undisturbed. The ship would essentially act as a large piece of sculpture within the open space. The shape and size of the east side of the lock provide a

ready-made podium or plinth for the historic vessel, placed on a north-south axis with her bows facing the river.

- 8.40 In terms of the impact directly upon the Grade II listed entrance lock, a condition is recommended which requires a structural report to be submitted to the Council for approval, to ensure the vessel would not impact on the Grade II listed structure. Historic England have been consulted on the application and have raised no objections.
- 8.41 Furthermore, the proposed siting of the vessel would create an enhanced setting for the heritage asset allowing visitors to better understand and appreciate the maritime character and appearance of the basin and the riverside.

Secure by Design

- 8.42 Policy 7.3 of the London Plan and policy DM23 of the MDD seeks to ensure that Developments' are safe and secure.
- 8.43 The East India Dock Basin is only accessible to the public during daylight hours, with gates access from Jamestown Way on the south-western side and from Orchard Place in the north-eastern corner. Given that access to the site is only available during daylight hours, Officers' are satisfied that the proposal would provide a safe and secure environment in accordance with policy 7.3 of the London Plan and policy DM23 of the MDD.

Access

- 8.44 No public access would be available onto or into SS Robin, apart from any necessary maintenance.
- 8.45 Existing level access onto the lock would remain unaltered, retaining a generous paved area for pedestrians to walk around the vessel and to enjoy existing panoramic views of the river.

Design Conclusions

- 8.46 It is considered that the proposed development has been sensitively located and would protect the setting and special architectural and historic interest of the Grade II listed Blackwall Pier and Entrance Lock. It would provide a fitting addition to the termination of the southern end of the Lea Valley and the Lee Valley Regional Park, alongside the existing Lighthouse and Chain Store of Trinity Buoy Wharf, and enhance the character and appearance of Leamouth. As such, the proposals accord with Policy 7.8 of the London Plan, Policies SO22 and SP10(2) of the Council's adopted Core Strategy, Policy DM27 of the MDD and government guidance set out in Section 12 of the National Planning Policy Framework.
- 8.47 The proposed scheme would have an impact on the open character of the basin however the proposal would be successful in contributing to a high quality public realm and in establishing a complementary relationship with the adjoining heritage assets. Following the consideration of relevant London Plan and local plan policies, national guidance and other material considerations officers conclude that the proposal is sensitive to the heritage assets and offer public benefits which would outweigh any harm to the open character of the basin.

Amenity

Policy Context

- 8.48 According to paragraph 17 of the NPPF local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.49 The Council's Core Strategy policy SP10 (4) seeks to ensure that development "protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight)".
- 8.50 The Council's Managing Development Document policy DM25 states that "development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm".
- 8.51 The closest residential properties to the application site are along Jamestown Way, approximately 105m away.
- 8.52 Given the nature of the proposed development, it is not considered that the proposal is likely to result in any notable adverse amenity implications for surrounding residents and building occupiers with respect to overlooking, outlook and daylight and sunlight.
- 8.53 Overall, the proposal would give rise to no unacceptable impacts on the amenity of the adjoining residents and occupiers and as such the proposed scheme is considered to comply with the abovementioned policies.

Highways, transportation and servicing

- 8.54 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.
- 8.55 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.
- 8.56 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would 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.

- 8.57 East India DLR station is located 450 metres to the west of the site and serves the Bank, Woolwich Arsenal, Tower Gateway and Beckton lines. Canning Town Underground Station is approximately 870 metres north-east of the site and serves the Jubilee line.
- 8.58 The site is supported by bus routes, D3, 115, N15, N550 and N551 within a reasonable walking distance. The site is also served by the Mayor's Cycle Hire Scheme with the nearest docking stations located at East India DLR approximately 450m south of the site providing 51 spaces.
- 8.59 Apart from the works of installation, which would involve crane access, the proposal would not require vehicular access to the site, and is unlikely to result in any increase in traffic generation in the surrounding area.
- 8.60 LBTH Highways & Transportation have been consulted do not object to the principle of the proposal is this location.
- 8.61 It is expected that the ship will be transferred by water and craned onto the site. A condition is recommended, requiring a method statement regarding the relocation and installation of the vessel, to be submitted to Council for approval prior to works commencing.
- 8.62 As such, the proposal is consistent with Policy DM20 of the Managing Development Document 2013.

Servicing and Refuse Storage

- 8.63 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 is in accordance with current waste policy.
- 8.64 The SS Robin would not generate waste. In its elevated position it would not trap litter or impede the existing arrangements for pavement cleansing and rubbish collection.
- 8.65 The proposal would not give rise to any unacceptable highway, transportation or servicing impacts. It is noted that neither the Council's Highways & Transportation Officer nor TfL raise an objection to the proposal.

Biodiversity

- 8.66 Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and policy DM11 of the Managing Development Document seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve an overall increase in biodiversity.
- 8.67 Council's Biodiversity Officer has reviewed the proposal and raises no objection. Subject to the submission of a construction method statement, the proposal would not result in undue biodiversity impacts.

9.0 FINANCIAL CONSIDERATIONS

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

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

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

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

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

9.3 In this context “grants” might include New Homes Bonus. This is not applicable to this application.

9.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 however as this proposal does include the creation of any new build floor space it is not liable for Mayoral CIL.

9.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015. The proposal would not be liable for Borough CIL as proposals for sui generis uses do not attract Borough CIL payments.

10.0 EQUALITIES ACT CONSIDERATIONS

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

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

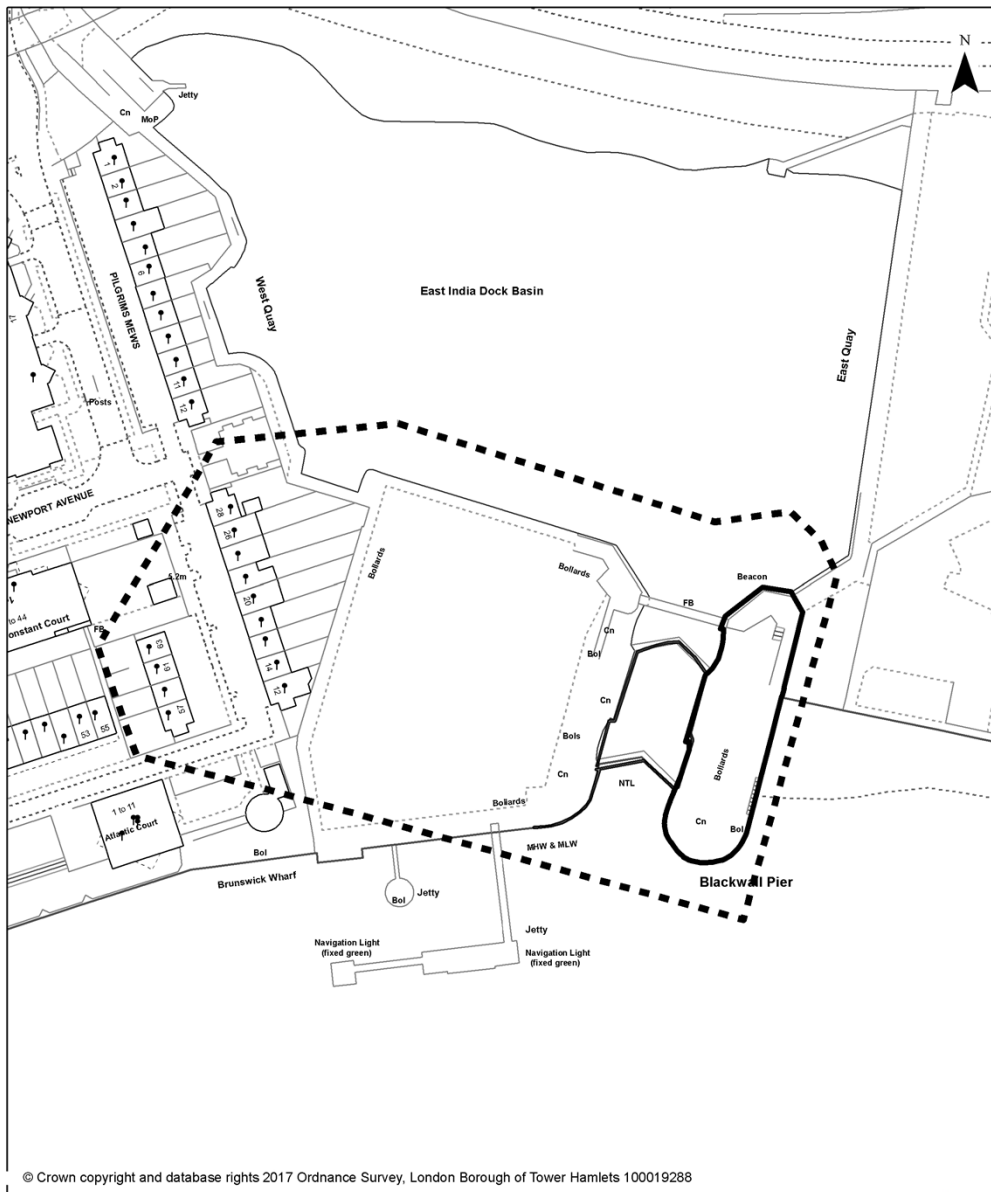
11.0 HUMAN RIGHTS CONSIDERATIONS





- 11.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:
- 11.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 11.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 11.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 11.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 11.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

12.0 CONCLUSION

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

Appendix 1- Site Consultation Area



-  Consultation
-  Planning Application Site Boundary
-  Statutory Listed Buildings
-  Locally Listed Buildings

Scale @ 1:1,250
 10 5 0 10 20 30 Meters

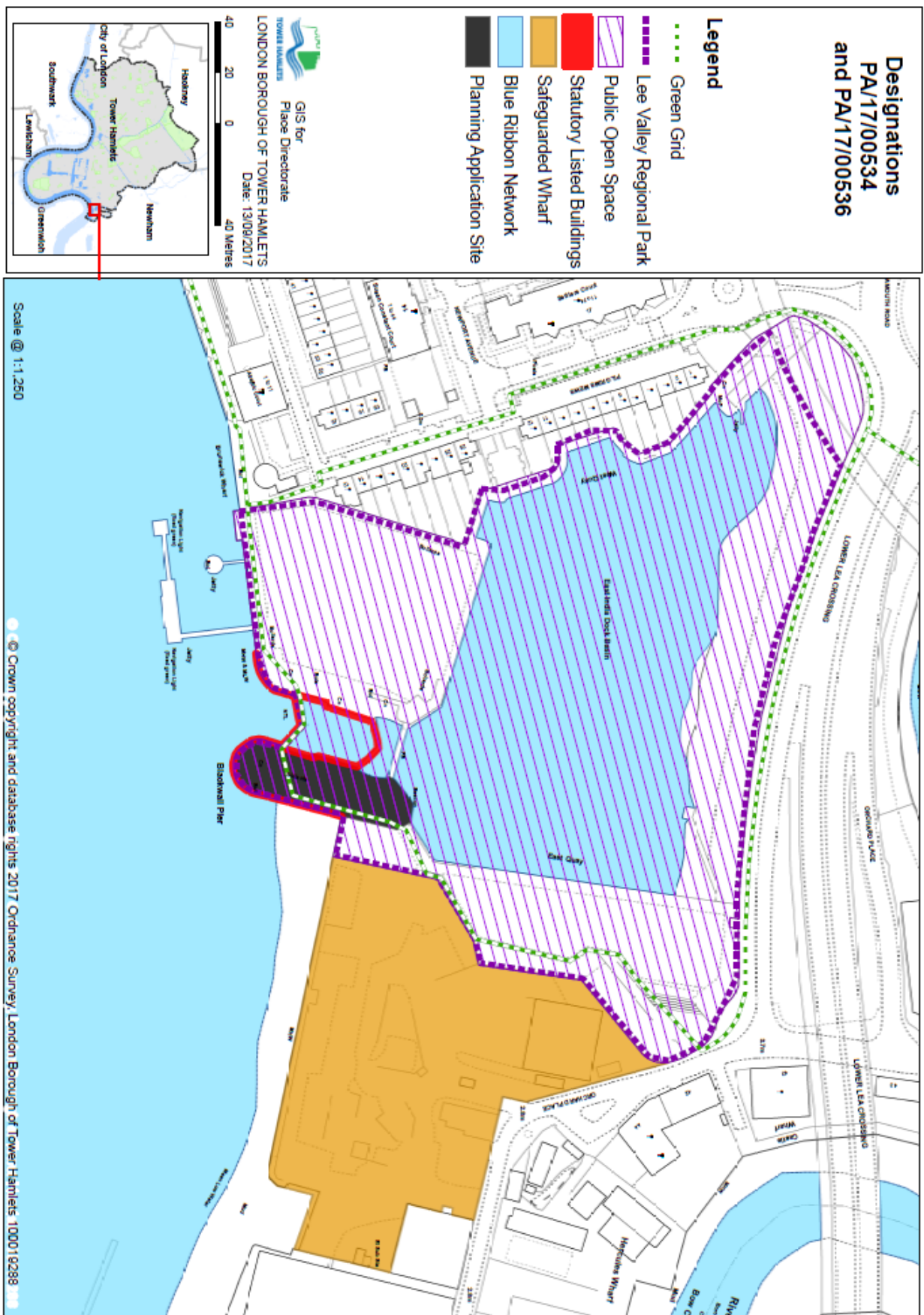
Planning Application Site Map PA/17/00534 and PA/17/00536

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


 GIS for
 Place Directorate
 LONDON BOROUGH OF TOWER HAMLETS
 Date: 13/09/2017



Appendix 2 – Selected land use designations



Appendix 3 – Listed Vessels Information

National Register of Historic Vessels (NRHV)

The Register provides an overview of the UK's extant historic vessels and can be used to identify and prioritise significant vessels that should be conserved, provide guidance to decision-makers on the allocation of funding, and give an early warning of ships 'at risk'. The database can also be a useful research tool, although confidential information about ownership is always kept secure.

The National Historic Fleet (NHF)

The National Register of Historic Vessels (NRHV) contains a sub-group of vessels - those which comprise The National Historic Fleet. There are currently some 200 vessels in the Fleet which are distinguished by:

- being of pre-eminent national or regional significance
- spanning the spectrum of UK maritime history
- illustrating changes in construction and technology
- meriting a higher priority for long term conservation.

<http://www.nationalhistoricships.org.uk>

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