

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 30 November 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, 28 November 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, 29
November 2017**

Contact for further enquiries:

Zoe Folley, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4877
E-mail: Zoe.Folley@towerhamlets.gov.uk
Web: <http://www.towerhamlets.gov.uk/committee>

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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 7 - 10)

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 11 - 22)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 26th October 2017

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 23 - 24)

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	25 - 26	
4 .1 49-59 Millharbour, 2-4 Muirfield Crescent And 23-39 Pepper Street, London, E14 (PA/16/03518)	27 - 110	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), 2,034sqm (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.

Officer recommendation to the Committee:

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	111 - 112	
5 .1 Ailsa Wharf, Ailsa Street, London (PA/16/02692)	113 - 180	Lansbury

Proposal:

Demolition of existing structures/buildings and the redevelopment of the site for a mixed use scheme providing 785 residential units (C3) and 2,954 sqm GIA commercial floorspace (A1/A3/B1/D2) within a series of thirteen building blocks varying between 3 and 17 storeys (Maximum AOD height of 59.5m); the creation of a new access road and the realignment of Ailsa Street; the provision of safeguarded land for a bridge landing; the provision of cycle and car parking spaces; and associated site-wide landscaping and public realm works.

Officer recommendation to the Committee

That subject to any direction by the London Mayor, planning permission is APPROVED subject to the prior completion of a legal agreement, conditions and informatives

5.2 Land bound by the East India Dock Basin to the west and Orchard Place to the East (PA/16/02249)

181 - 204

**Blackwall &
Cubitt Town**

Proposal:

Temporary permission (3 years) for the erection of a 3 storey building comprising of a B1(a) (site office) in conjunction with the construction of the London City Island development, along with various enhancements to East India Dock Basin.

Officer Recommendation to the Committee:

That the Committee resolve to GRANT planning permission, subject to the prior completion of a legal agreement conditions and informatives

6. OTHER PLANNING MATTERS

None.

Next Meeting of the Strategic Development Committee

Thursday, 11 January 2018 at 7.00 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 26 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 Asma Begum
Councillor Shafi Ahmed
Councillor Peter Golds (Substitute for Councillor Julia Dockerill)
Councillor Danny Hassell (Substitute for Councillor Sirajul Islam)
Councillor Muhammad Ansar Mustaqim (Substitute for Councillor Md. Maium Miah)

Other Councillors Present:

Councillor Dave Chesterton

Apologies:

Councillor Sirajul Islam
Councillor Md. Maium Miah
Councillor Gulam Robbani
Councillor Julia Dockerill

Officers Present:

Nasser Farooq	(Team Leader, Planning Services, Place)
Jennifer Chivers	(Planning Officer, Place)
Christopher Stacey	(Senior Planning Officer, Place)
Kevin Crilly	(Planning Officer, Place)
Piotr Lanoszka	(Principal, Planning Officer, Place)
Kevin Chadd	(Legal Services, Governance)
Zoe Folley	(Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were made .

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 4th October 2017 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, 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 1-3 Corbridge Crescent and 1-4 The Oval, E2 9DS (PA/16/03771)

Nasser Farooq, (Team Leader – East Area, Planning Services) introduced the application 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.

Jennifer Chivers (Planning Services) presented the application. The application for planning permission was considered by the Strategic Development Committee on 4 October 2017 (along with similar appeal scheme for an 8 storey development for the Committee to express a view to the planning inspector)

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

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

- Environmental concerns arising from use of the site as a coach depot.

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.

The officer recommendation remained to grant the application. However, officers had drafted suggested reasons for refusal to reflect the concerns should Members decide to refuse the application.

Ms Chivers then addressed each of the Committee's reason for refusal.

- Scale of the development.

It was noted that Members expressed concern that the proposal would exceed the prevailing buildings heights within the local context, despite the reductions in the proposals height. It was noted that the proposal presented a marked contrast in scale to the surrounding buildings and it could therefore be considered that the proposal would be out of keeping with the setting of the surrounding area. Therefore, whilst officers considered that the proposal would be acceptable on this ground, it would be reasonable for Members to reach a different conclusion.

- Land use

Members considered that the proposal failed to provide a significant level of employment floor space and that the proposal would not offset the loss of existing floor space. Taking into account the low quantum of employment floor space, Members could conclude that the proposal conflicted with the aspirations in the City Fringe/Tech Opportunity area. A reason on this ground could therefore be defended at appeal

- Level of affordable housing.

Members were advised that it would be reasonable for them to conclude that despite the submission of detailed and robust financial statements (which were independently reviewed), that there were insufficient benefits of the scheme to outweigh the low levels of affordable housing. Officers therefore considered that a reason on this ground could be defended at appeal.

- Impact on the Conservation Area.

Members felt that the proposals would cause harm to the setting of heritage assets and that the merits of the plans would not outweigh this. In the absence of Members identifying public benefits that outweigh the identified harm to heritage, this reason could be defended at appeal.

- Environmental concerns.

It was noted that the applicant had provided a site investigation preliminary risk assessment report. The environmental health contaminated land officer had reviewed the submitted information and considered there was a possibility for contaminated land to exist, however that the risk could be mitigated by condition. The Environmental Health Officer had recommended a two part condition which required a report which identified the extent of the contamination and measures to be undertaken to avoid risk to public and environment. The redevelopment would not be occupied until this remediation had been carried out in full, and further reports have been submitted to the council demonstrating the remediation works had been effective. As such, officers consider that this reason for refusal would be difficult to defend at appeal.

The Committee were also advised of the implications of a refusal and the possibility that any appeal would result in a cost of awards.

In view of the advice, the Committee agreed that the fifth suggested reason in respect of land contamination should not be pursued.

It was also noted that the application was for a 10 storey development and that the reasons should read as such.

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

Councillor Marc Francis moved that the application be refused for the reasons set out in the 26th October 2017 Committee deferral report with the exception of the reason for refusal on land contamination.

On a vote of 4 in favour, 0 against and 0 abstentions, it was **RESOLVED**:

That planning permission at **REFUSED** 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) for the following reasons as set out in the 26th October 2017 Committee deferral report

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 10 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 10 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 – necessary mitigation not secured

5. 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. PLANNING APPLICATIONS FOR DECISION

5.1 49-59 Millharbour, 2-4 Muirfield Crescent And 23-39 Pepper Street, London, E14

Update report.

Nasser Farooq (Team Leader – East Area, Planning Services) introduced the application for the demolition of existing buildings at the site and the comprehensive mixed use redevelopment of the site including two buildings ranging from 26 storeys to 30 storeys

The Chair invited registered speakers to address the Committee

Councillor Dave Chesterton and Iain Dootson, local resident, spoke in opposition to the application. It was considered that the proposal did not comply with the Council's stepping down policy for tall buildings, due to the height of the proposal. The proposal would exceed the height of the surrounding buildings. It would also harm the setting of the Glengall Bridge and impact on access to the area, particularly during the construction phase and cause overshadowing to properties. The proposals would increase parking stress. The travel information was out of date. The density of the proposal would be too high, and put pressure on local services that were already at capacity. There was also a lack of genuinely affordable housing and concerns about the suitability of the child play space.

In response to questions, the objectors explained in further detail their concerns about the height of the proposal in view of its proximity to low rise developments. It would create a 'cliff edge affect' and be not in keeping with the existing pattern of development near lower rise buildings that provided a more appropriate gradient in building. It would therefore conflict with policy and the emerging tall buildings policy. They also clarified their concerns about the affordability of the housing and felt that this would not offset the breach in tall buildings policy and the impact of local infrastructure.

Mark Gibney (Applicant's representative) spoke in favour of the application. He advised of the changes made to the proposals, following engagement with the Council, the GLA and the Council's Conservation and Design Advisory Panel. The height of the building had been reduced and it was considered that it would conform with the policy and emerging policy and fulfilled the aspirations of the site allocation in policy. There would be conditions to mitigate the construction impact and preserve access. There would also be a generous level of play space, amenity space, public realm improvements and a car free agreement with opportunities for assessable parking spaces. TfL

had not raised any concerns about the impact on the transport network. The scheme would provide a generous level of affordable housing weighted in favour of family sized units.

In response to questions, Mr Gibney reported that the applicant and officers had carried out a lot of work in terms of assessing the impact of the height. Overall, it was felt that it would broadly comply with the Council's policy in terms of building heights. In response to further questions he provided assurances about the transport assessment. With the permission of the Chair, the applicant's highways specialist, outlined the findings of the travel survey and explained that it complied with the relevant standard. So it included up to date information.

In response to further questions, the speakers provided reassurances about the measures to mitigate the construction impact, the nature of their consultation and the waste management measures. It was also reported that the proposal would preserve the setting of neighbouring buildings and their development potential.

Chris Stacey (Planning Services) presented the application explaining the site location, the site allocation in policy and the planning history. He explained that Officers had worked hard with the applicant to improve the level of affordable housing, the play space offer and the appearance of the proposal amongst other issues. He also explained the key features of the application and the outcome of the consultation.

It was reported that the introduction of a residential - led mixed used development on the site including a new nursery complied with policy. The loss of the existing employment use to allow for the development could be considered acceptable in this instance. Given the lack of businesses with long lease agreements, it would not unreasonable impact existing businesses. Furthermore, the applicant had indicated that they would be prepared to help the businesses relocate.

The proposal would provide an acceptable level of affordable housing of a high residential standard - 35% of the overall amount of housing mix. This included the provision of social/affordable housing at TH living rents and London Affordable rents and family units at the lower London Affordable rent levels. This offer exceeded what could be considered to be the maximum level viable. The applicant had however indicated that they were prepared to take a long term view in terms of the rental incomes. It was noted that the height of the proposal would exceed the surrounding building heights in the area from the north to the south. However, it would broadly step away from taller buildings when viewed from east and west.

It was also considered that the proposal was acceptable in terms of its design, heritage impacts, neighbouring amenity and transport matters. Further work had been carry out to address the issues raised by LBTH highways in the Committee report. There would also be a financial contributions for local infrastructure.

In view of the merits of the application, Officers were recommending that it was granted planning permission.

The Committee asked questions about the height of the proposal given it would involve a 'step up' from the north of Canary Wharf in terms of building heights. It was questioned if this escalation in height complied with building heights policy and would sit conformably with the lower rise buildings nearby. Clarity was also sought as to the weight that should be attached to the emerging tall building study. The Committee also asked questions about the child play space, in terms of the allocation for the different age ranges and tenure types. Members also asked questions about the density of the proposal and the special circumstances justifying this, the location of the affordable housing and also the microclimate measures.

Questions were also asked about the sunlight and daylight impacts particularly to 45 Millharbour, the impact on parking, the scope of the trip assessment in the Committee report given the highway services comments, the community facilities and the measures to ensure that the proposal would be secure by design.

Officers advised that the proposal would comply with the planning policy on buildings heights in the area despite the escalation in height. The policy sought to create an overall stepping down to the north of Canary Wharf and this building would broadly conform with this when viewed from the wider context. It should also be noted that the building would mark the junction of key routes. Therefore in view of these issues, a tall building at this location could be supported. The emerging tall building study should be given limited weight at this stage as it had not been subject to public examination and had not been adopted as part of the Council's new local plan.

The affordable housing units would be located in block B and there would be one entrance for this block. It was also noted that the wind tunnelling measures had been assessed by the EIA consultants and the EIA Officer and considered to be acceptable.

It was noted that the child play space offer met the policy requirements and the allocation reflected the anticipated child yields for the different sized units. It included play space for younger and older children. The proposal would provide a nursery, but apart from this, no other community uses were proposed. The scheme would be subject to a car free agreement and there would be limited opportunities to park vehicles on the surrounding streets in view of the parking restrictions. Therefore, the impact on parking should be minimal.

It was also reported that the travel study included the proposed residential and nursery use. In view of the findings, Officers considered that the proposal would not have an adverse impact on the highway network.

The scheme displayed no symptoms of overdevelopment and it should also be noted that the policy directed tall buildings to the area. Therefore on these grounds, it was felt that in density terms the proposal could be supported.

It was felt that the impact on neighbouring amenity could be considered acceptable for an urban setting. Whilst the proposal would have a minor to moderate impact on neighbouring sunlighting and daylight levels to 45 Millharbour, the results of the study could partly be attributed to the presence of balconies above windows within the existing developments. These characteristics acted as a constraint on their outlook.

Officers also explained the secure by design measures

Overall, Members expressed concerns about overdevelopment of the site, the pressures on local services, the height of the building and the lack of employment uses within the application. It was felt that the proposal took its reference from buildings in the area that represented overdevelopment.

On a vote of 0 in favour, 6 against and 1 abstention, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be not accepted (for the reasons set out below) and on a vote of 6 in favour, 0 against and 1 abstention the Committee **RESOLVED:**

That the Officer recommendation to grant planning permission at 49-59 Millharbour, 2-4 Muirfield Crescent And 23-39 Pepper Street, London, E14 be **NOT ACCEPTED** for the 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 Committee were minded to refuse the application due to concerns over the following issues:

- Height and the failure to step down
- Overdevelopment of the site
- Bulk and massing of the application.

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

5.2 East India Dock Basin, Lower Lea Crossing

Update report tabled.

Nasser Farooq (Team Leader – East Area, Planning Services) introduced the application to relocate the Historic vessel SS Robin from the Royal Victoria Docks to the East India Dock Basin. The vessel would occupy an elevated position on the east side of the Lock Entrance beside the River Thames. The application had been submitted to the Committee as it involved open metropolitan land

Kevin Crilly (Planning Services) presented the report explaining the nature of the site, the surrounds and the site designations in policy for the site and the historic importance of the vessel. The committee were also advised of the outcome of the consultation.

The committee were advised that the loss of 1.3% of the existing Metropolitan Open Space could be considered to be acceptable in this instance as the proposed development met the relevant exceptions in policy for developing within metropolitan open space and would provide additional cultural and historic interest within the Borough. It was considered that any impact upon the open character of the East India Dock Basin would be outweighed by the benefits of the proposal. The Council's biodiversity officer had raised no objections to the proposal. Officers were also of the view that the proposed location of the vessel was acceptable in terms of its layout, scale and appearance. Therefore, officers were recommending that the proposal was granted planning permission and listed building consent.

Members asked about the measures to guarantee public safety and it was noted that the vessel would only be viewable from the outside during daylight hours and there would also be on site management.

The Committee welcomed the proposal and thought that it would be a valuable addition to the borough's heritage.

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

1. That planning permission and listed building consent be **GRANTED** at East India Dock Basin, Lower Lea Crossing to relocate the Historic vessel SS Robin from the Royal Victoria Docks to the East India Dock Basin subject to:
2. 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 matters set out in the Committee report
3. Any other conditions and informatives considered necessary by the Corporate Director of Place.

The meeting ended at 9.20 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

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

Agenda Item 4

Committee: Strategic Development	Date: 30 th November 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
26 th October 2017	(PA/16/03518)	49-59 Millharbour, 2-4 Muirfield Crescent and 23-39 Pepper Street, London, E14	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.	The Committee were minded to refuse the application due to concerns over: <ul style="list-style-type: none"> • Height and the failure to step down • Overdevelopment of the site • Bulk and massing of the application.

**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

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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.
- 3.2 49-59 Millharbour, 2-4 Muirfield Crescent and 23-39 Pepper Street, London, E14
- 3.3 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: 30 th November 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. APPLICATION DETAILS

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

Existing Uses: 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), 2,034sqm (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.

2. BACKGROUND

2.1 This application for planning permission was considered by the Strategic Development Committee on 26th October 2017. A copy of the original report is appended.

2.2 The application was recommended for approval, however members voted to REFUSE planning permission due to concerns over:

- The height of the proposal and its failure to step down;
- The overdevelopment of the site;
- The bulk and massing of the proposal.

2.3 In accordance with Development Procedural Rules, the application was **DEFERRED** to a later committee to enable officers to prepare a deferral report to provide wording for the reasons for refusal and provide commentary on the detailed reasons for refusal of the application.

3. REVISED OFFER / AMENDMENTS TO SCHEME

3.1 Following negotiations with Council officers, the applicant has made a number of amendments to the scheme and provided further information in an attempt to address the concerns raised by members.

3.2 The following is a summary of the amendments to the proposal:

- Converting 18 private units to 18 affordable units within Block B, in the form of 11 affordable rented units and 7 intermediate units, taking the overall affordable housing offer within the scheme up to 40% (from 35%).
- The removal of 127sqm of A1 floor space and the provision of 453sqm of D1 floor space to be used as a doctor's surgery (subject to the health trust agreeing to take on the facility) or another community facility.

3.3 These are explained further below.

Increased Affordable Housing Provision

3.4 The applicant has increased the proposed affordable housing offer to provide 40% affordable housing by habitable rooms, providing 69 social/affordable rented units (257 habitable rooms) and 44 intermediate units (114 habitable rooms). This represents a 70%/30% split in favour of social/affordable rented accommodation which meets the Council's preferred 70%/30% split in favour of social/affordable rented accommodation.

3.5 It should be noted that the proposed amended affordable housing offer is being made despite the viability report claiming that the previous lower affordable housing, as presented to committee on 26th October 2017, was substantially over and above the maximum reasonable amount that could be viably be supported by the development.

3.6 The table below outlines both the previous affordable housing offer, as presented to committee on 26th October 2017 and the amended affordable housing offer now being proposed by the applicant.

Tenure	Units		As a %		Habitable Rooms		As a %	
	Previous	Revised	Previous	Revised	Previous	Revised	Previous	Revised
Market Sector	224	206	70%	64%	597	549	65%	60%
Intermediate	37	44	12%	14%	95	114	10%	12%
Social/ Affordable Rented	58	69	18%	22%	228	257	25%	28%

Fig.1 – Number and Percentage of Units and Habitable Rooms by Tenure (Previous and Revised Offer)

3.7 With respect to the breakdown of units and habitable rooms between social rent and affordable rent, the table below outlines both the previous affordable housing offer, as presented to committee on 26th October 2017 and the revised affordable housing offer now being proposed by the applicant. The percentage split is largely unaffected by the revised affordable housing offer.

Product	Units		As a %		Habitable Rooms		As a %	
	Previous	Revised	Previous	Revised	Previous	Revised	Previous	Revised
London Affordable Rent	20	23	34%	33%	100	113	44%	44%
Tower Hamlets Living Rent	38	46	66%	67%	128	144	56%	56%

Fig.2 – Breakdown of Social/Affordable Rented Products (Previous and Revised Offer)

- 3.8 The revised affordable housing offer also alters the proposed mix of units by size and tenure proposed within the scheme, and the below table outlines both the previous affordable housing offer, as presented to committee on 26th October 2017, and the amended affordable housing offer now being proposed by the applicant.

Unit Size	Affordable Housing				Market Housing	
	Social/Affordable Rented		Intermediate			
	Units		Units		Units	
	<i>Previous</i>	<i>Revised</i>	<i>Previous</i>	<i>Revised</i>	<i>Previous</i>	<i>Revised</i>
1 Bed	14	18	16	18	89	83
2 Bed	14	21	21	26	121	109
3 Bed	22	22	0	0	14	14
4 Bed	8	8	0	0	0	0
Total	58	69	37	44	224	206

Fig.3 – Mix of Units by Size and Tenure (Previous and Revised Offer)

- 3.9 The changes proposed to the affordable housing provision within the scheme will alter the child yield and minimum child play space requirements. The below table outlines both the previous child play space requirements and proposed play space, as presented to committee on 26th October 2017, and the updated child play space requirements and proposed child play space. As noted within the below table the proposed play space will continue to exceed the minimum requirements.

Age Group	Child Yield		Minimum Requirement (sqm)		Proposed Play Space (sqm)	
	<i>Previous</i>	<i>Revised</i>	<i>Previous</i>	<i>Revised</i>	<i>Previous</i>	<i>Revised (no change)</i>
Under 5 Years	41	46	410	460	489	489
5-11 Years	38	40	380	400	488	488
Over 12 Years	28	29	280	290	373	373
Total	107	114	1,070	1,140	1,350	1,350

Fig.4 – Child Play Space Requirements and Proposed Provision (Previous and Revised Offer)

Additional Community Facility (Class D1)

- 3.10 The previous proposal sought to provide a 558sqm nursery (D1) and 1,150sqm of A class floor space (A1, A3 and A4). The amended proposal still seeks to provide a 558sqm nursery (D1) as well as 375sqm of A3 floor space and 203sqm of A4 floor space, however it is now proposed to replace 1 x A1 (retail) unit at ground floor level

within Building A (measuring 127sqm) and convert 326sqm of mezzanine void space above this into a doctor's surgery (D1) measuring 453sqm.

- 3.11 Such a facility would be secured as part of the proposed S.106 agreement, and in the event that the health trust were not able/willing to take this space on as a doctor's surgery, an alternative community facility could occupy this space. The below two tables outline both the previous non-residential floor space offer, as presented to committee on 26th October 2017, and the amended non-residential floor space offer now being proposed by the applicant.

Use Class	A1 (Retail)		A3 (Café/Restaurant)		A4 (Drinking Establishment)		D1 (Non-Residential Institution)	
	Previous	Revised	Previous	Revised	Previous	Revised	Previous	Revised
Floor Space Area	572sqm	445sqm	375sqm	375sqm	203sqm	203sqm	558sqm	1,011sqm

Fig.5 – Proposed Non-Residential Floor Space (Previous and Revised Offer)

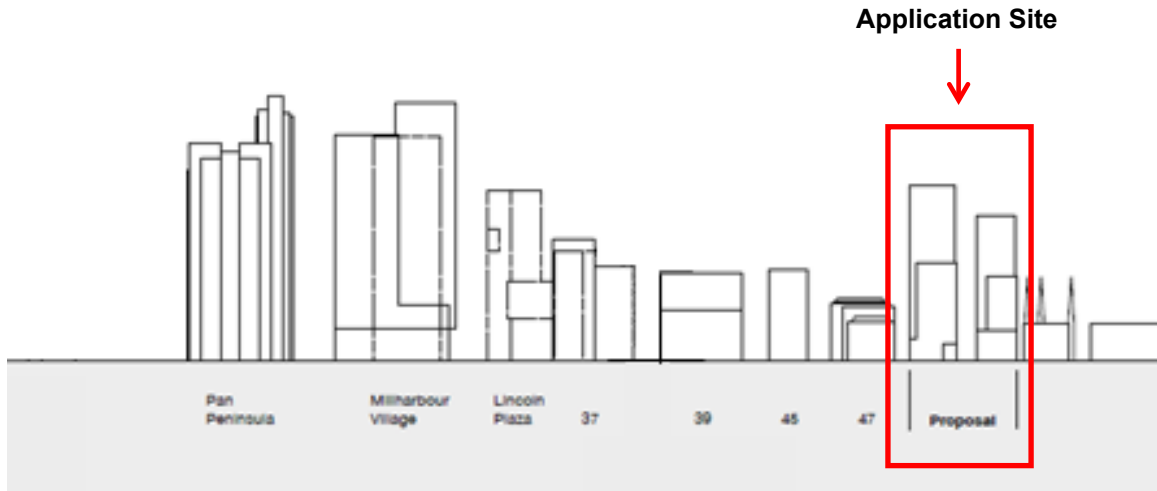
4. SUMMARY OF ISSUES RAISED BY MEMBERS AND OFFICER'S RESPONSE

Height and Failure to Step Down

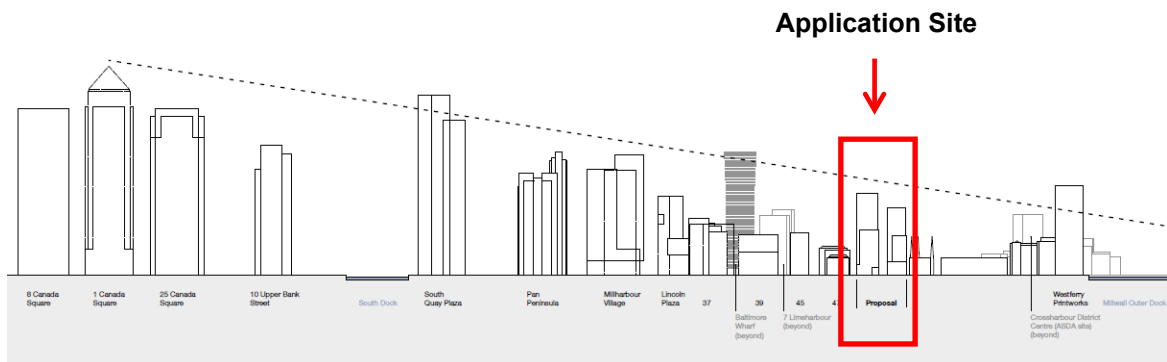
- 4.1 Members objected to the proposal's height and its failure to step down from the buildings immediately to the north of it, as it was considered that this was not in conformity with the Council's building height policies on the Isle of Dogs.
- 4.2 As noted both within paragraph 8.84 of the original committee report and at the meeting of Strategic Development Committee on 26th October 2017, officers appreciate that the proposal, when viewed within the isolated context of the existing buildings along Millharbour (running from north to south), does not systematically step down and is instead taller than buildings directly to the north of it.
- 4.3 The Council's planning policies do not explicitly require proposals to step down in a systematic manner, and instead seeks for this locality to act as a transitional area (in terms of building heights) between the higher-rise commercial area of Canary Wharf to the north and the low-rise predominantly residential areas to the south. This position is outlined as follows within the Council's Development Plan:
- **MDD DM26(a) Building Heights** – *“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”*
 - **CS Chapter 9 Delivering Placemaking (Millwall)** – *“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”*
 - **CS Chapter 9 Delivering Placemaking (Cubitt Town)** – *“Development should provide a transition between the higher rise commercial area to the north and the nearby low-rise residential areas to the south and east”*
- 4.4 The assessment as to whether the proposal conforms with the above policies is thus concerned with whether the proposed height is appropriate within the wider context of the surrounding area. Therefore, when applying the policies strategically across the island, appropriate weight should also be given to nearby developments, such as Baltimore Wharf, Westferry Printworks and the consented development at Crossharbour ASDA which are material considerations when assessing the suitability of the height of

this proposal, especially as these schemes will deliver notable buildings within a future cumulative scenario.

- 4.5 The diagram below illustrates the proposal within its localised context, i.e. existing buildings along Millharbour. Whilst this illustrates that the proposal when viewed within this isolated context fails to systematically step down from the buildings directly to the north, it does illustrate that the scale of the proposed development notably differs from a number of the larger buildings to the north, such as the Pan Peninsula development.



- 4.6 The diagram below illustrates the proposal within its wider context, i.e. taking into account the significantly taller buildings in the Canary Wharf and South Quay area, as well as other notably taller buildings at Baltimore Wharf and Westferry Printworks. This clearly illustrates that the proposal when viewed within its wider context is adhering to the Council’s policy position that buildings within this area should provide a transition (in terms of their height) between the higher-rise commercial area of Canary Wharf to the north and the low-rise predominantly residential areas to the south. Furthermore this diagram also illustrates that the proposed height of the scheme is appropriate for its location within the Isle of Dogs Activity Area when taking into account the existing building heights within this area.



- 4.7 Given the above, officers remain of the view that the proposed heights of the two buildings are acceptable as they are not considered to be contrary to policies 7.4, 7.6 and 7.7 of the London Plan (2016), policies SP10 and SP12 of the Tower Hamlets Core Strategy (2010) and policies DM24 and DM26 of the Tower Hamlets Managing Development Document (2013).

Overdevelopment

- 4.8 Members objected to the density of the proposed development which exceeded the London Plan density matrix without special circumstances being demonstrated to justify such non-compliance.
- 4.9 Both London Plan policy 3.4 and the London Plan Housing SPG explicitly state that it is not appropriate to apply the density matrix mechanistically due to its inherent flexibility, and that the matrix should be used as a starting point and guide rather than an absolute rule, in order that other key policy objectives can also be taken account. Furthermore the London Plan Housing SPG also states that meeting London's housing requirements will necessitate residential densities to be optimised in appropriate locations with good public transport access, such as town centres and opportunity areas.
- 4.10 When assessing the acceptability of proposals which exceed the London Plan density matrix, it should be noted that the guidance contained within the London Plan Housing SPG (2012) relating to schemes which exceed the density matrix (which states that "*exceptions to the (density) ranges should be just that, whether above or below the appropriate range, and must be justified robustly*") is no longer a material consideration as it has been superseded by the London Plan Housing SPG (2016). The guidance contained within the latter relating to schemes which exceed the density matrix states that schemes which exceed the density matrix should be supported where they are in accordance with the following considerations:
- *the factors outlined in Policy 3.4, including local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;*
 - *the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;*
 - *the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with the housing quality standards set out in Part 2 of this SPG;*
 - *a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';*
 - *depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;*
 - *the residential mix and dwelling types proposed in a scheme, taking into account factors such as children's play space provision, school capacity and location;*
 - *the need for the appropriate management and design of refuse/food waste/ recycling and cycle parking facilities; and*
 - *whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (eg. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites).*
- 4.11 In this instance officers are content that the proposal is in accordance with all of the above as: the scheme is of a high quality design appropriate to the local context and character of the area; would not have an adverse impact upon public transport capacity or other amenities or services; would afford future occupiers a high standard of residential quality and fully accords with the housing quality standards; would positively

contribute to local 'place making'; provides an acceptable residential mix and quantum of child play space and communal amenity space; exceeds requirements for refuse storage and cycle parking, and; sits within both a town centre and opportunity area location where higher density development is targeted, both by the Council's Local Plan and the London Plan.

- 4.12 As such the proposal is considered acceptable as it is not considered to be contrary to the NPPF, policy 3.4 of the London Plan (2016), policy SP10 of the Tower Hamlets Core Strategy (2010) and policy DM25 of the Tower Hamlets Managing Development Document (2013).

Bulk and Massing

- 4.13 Members objected to the proposal's bulk and massing and its resulting impact and the local character and setting of the development.
- 4.14 Within the surrounding context of the application site, a number of existing buildings (including 39, 41, 45 and 47 Millharbour) can be considered to be of notable bulk and massing. Officers are of the view that the bulk and massing of the two buildings proposed as part of this development are not significantly greater than the aforementioned buildings, and as such, it is not considered as though the scheme's bulk and massing would adversely impact the local character or setting of the development.
- 4.15 Furthermore the design of the two proposed buildings incorporates podium and tower elements, an approach employed to help break up the overall bulk and massing of the proposed buildings, which is considered to be effective in this instance.
- 4.16 In light of the above, officers remain of the view that the proposal is acceptable as it is not considered to be contrary to policies 7.4, 7.6 and 7.7 of the London Plan (2016), policies SP10 and SP12 of the Tower Hamlets Core Strategy (2010) and policies DM24 and DM26 of the Tower Hamlets Managing Development Document (2013).

5. IMPLICATIONS ARISING FROM A DECISION TO REFUSE THE APPLICATION

- 5.1 In the event that the Committee resolves to refuse the application, the following options could be exercised by the applicant.
- 5.2 The applicant could withdraw the application and later approach the Council for further pre-application advice on an amended proposal and thereafter submit new applications.
- 5.3 The application is of a strategic nature and referable to the Mayor of London. Prior to issuing a decision the application will be required to be referred to the Mayor of London who could exercise their powers to take over the application, become the local planning authority and determine the application. Should this happen officers would seek to defend the Council's reasons for refusal at any hearing.
- 5.4 The applicant could exercise their right to appeal to the Secretary of State against the Council's decision and lodge an appeal for costs. The appeal would be determined by an independent inspector appointed by the Secretary of State. At any appeal, the viability of the scheme could be reviewed, and the affordable housing could be amended. This is significant in this context as the viability assessment concluded that the affordable housing offer was in excess of what the scheme could viably deliver.

Implications on the Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits

- 5.5 Statutory public consultation on the 'Regulation 19' version closed on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. However, at the point of any appeal the weight of the document could be materially different. This is pertinent to the tall building's policy which identifies the site in the Millwall tall building zone, providing further support for the scale of development as proposed.
- 5.6 Section 4 of this report set out the officer's assessment of how unlikely the Council would be in defending the reasons for refusal at appeal. However if the Committee do resolve that the application should be refused on grounds relating to: the height of the proposal and its failure to step down; the overdevelopment of the site, and; the bulk and massing of the proposal, officers will seek to defend the Council's position.

6. RECOMMENDATION

- 6.1 Officer's original recommendation as set out in the officer's report for Strategic Development Committee on 26th October 2017 to **GRANT** planning permission for the proposal remains unchanged, however additional planning obligations requiring the provision of a further community facility and the provision of 40% affordable housing would also be required.
- 6.2 However, if Members are minded to refuse planning permission for this scheme, then the proposed three reasons for refusal are recommended to be amalgamated into a single reason relating to design and density. The suggested reason is as follows:

Reason for Refusal:

1. *The excessive scale and height of the proposed development within its local context would not be proportionate to the site's position outside of the Canary Wharf major centre and would not maintain the transition in height between Canary Wharf and the lower rise buildings to the south. The proposed scale, height and massing would result in a development that is overbearing, is unduly prominent in local views and detracts from the low-rise character of the area to the south. 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 and DM26 of the Managing Development Document (2013) and Policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (2016).*

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.

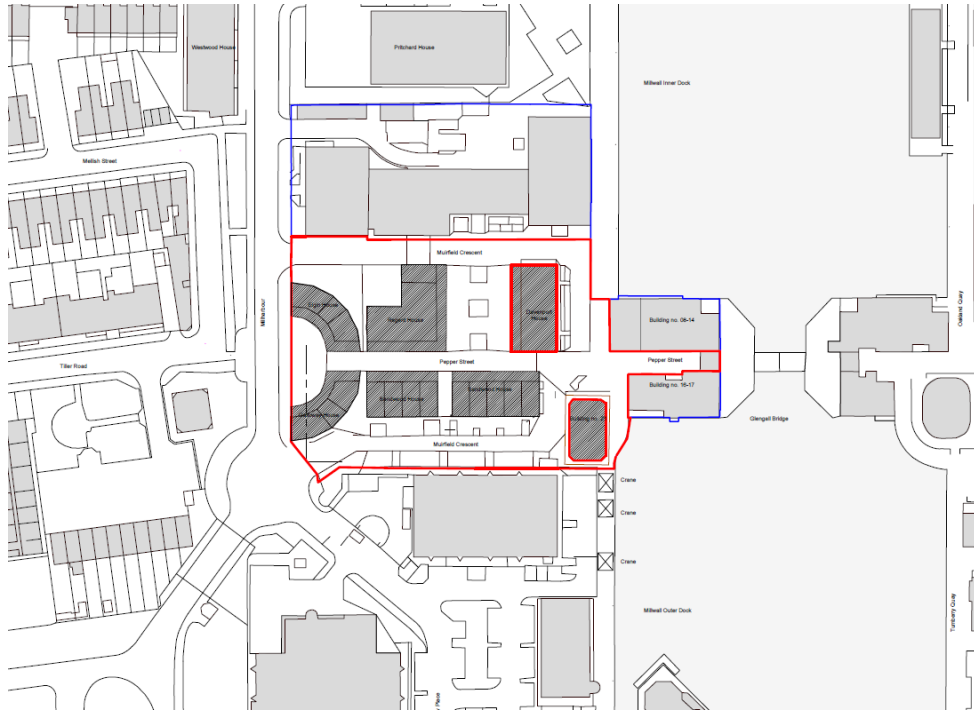


Fig.1 – Application Site

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

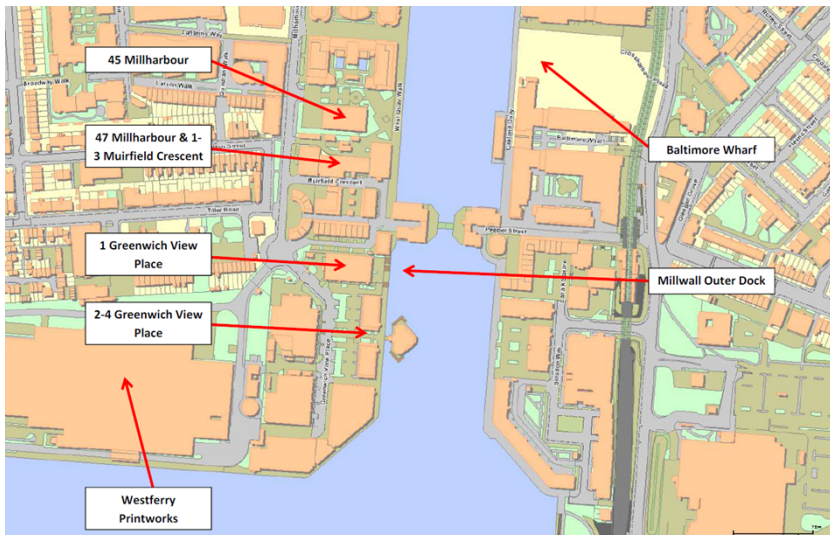


Fig.7 – Location of Surrounding Sites

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).

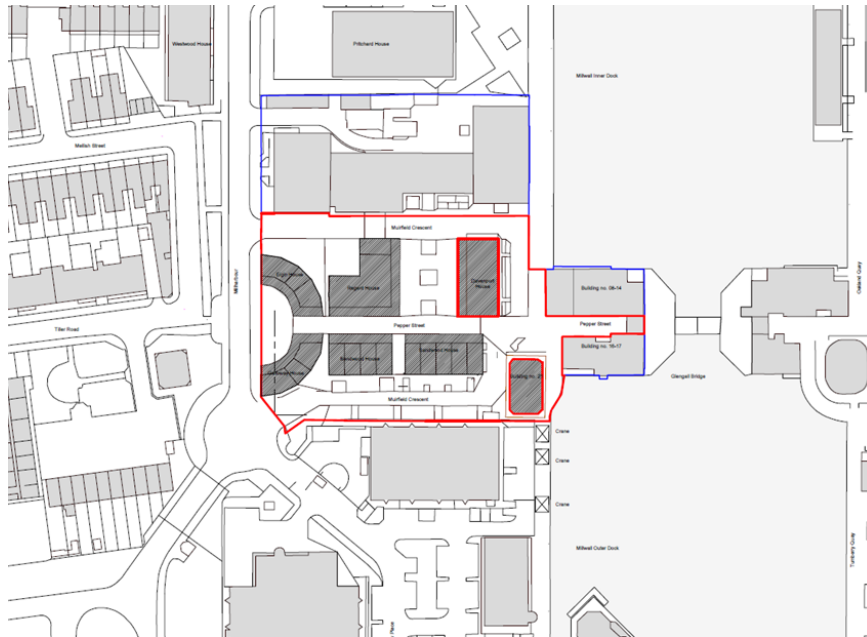


Fig.8 – Application Site

- 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 mechanically, 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.

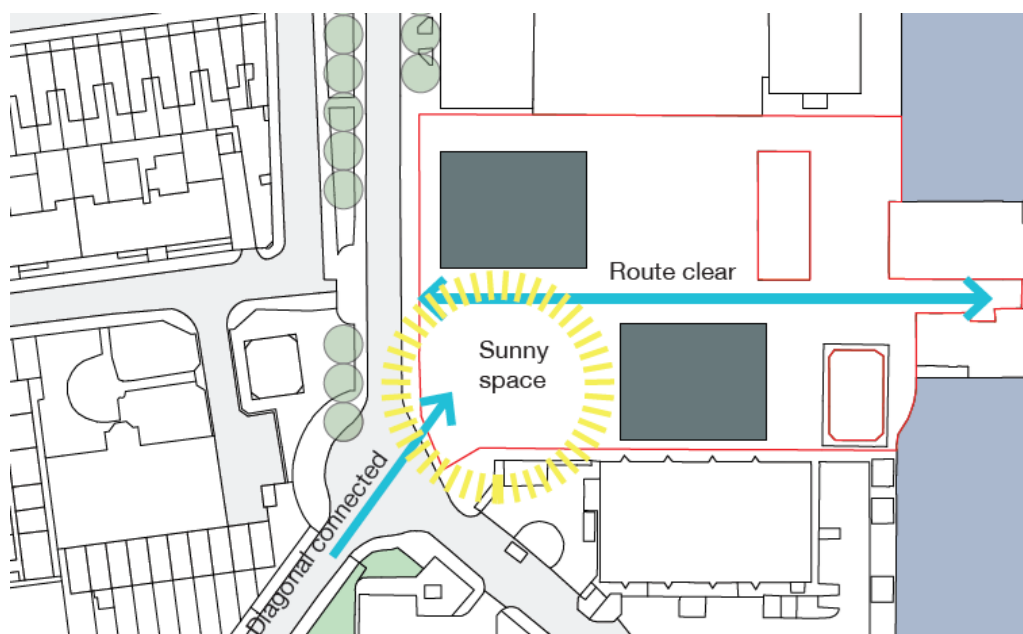


Fig.16 – Site Layout Principles

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.

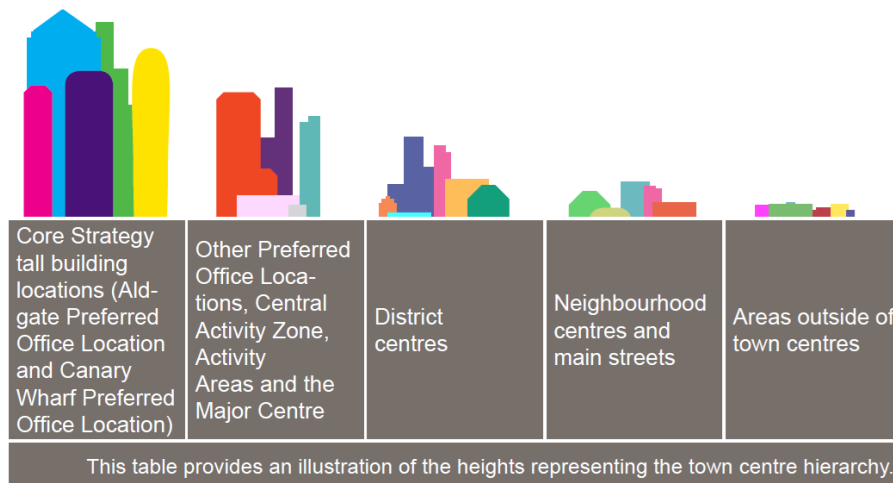


Fig.18 – Illustration Showing Building Heights for the Preferred Office Locations and the Town Centre Hierarchy

- 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.

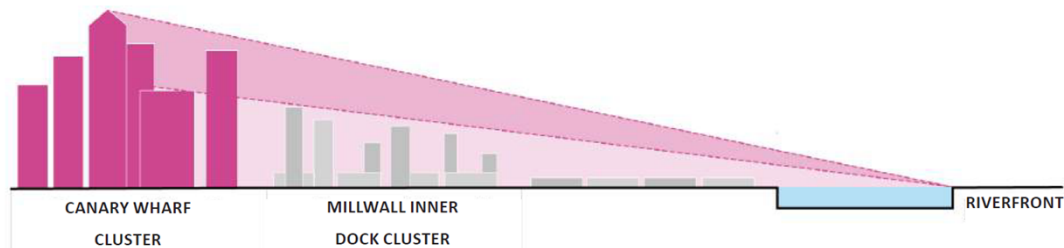


Fig.19 – Relationship Between Canary Wharf and Adjacent Clusters

- 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.

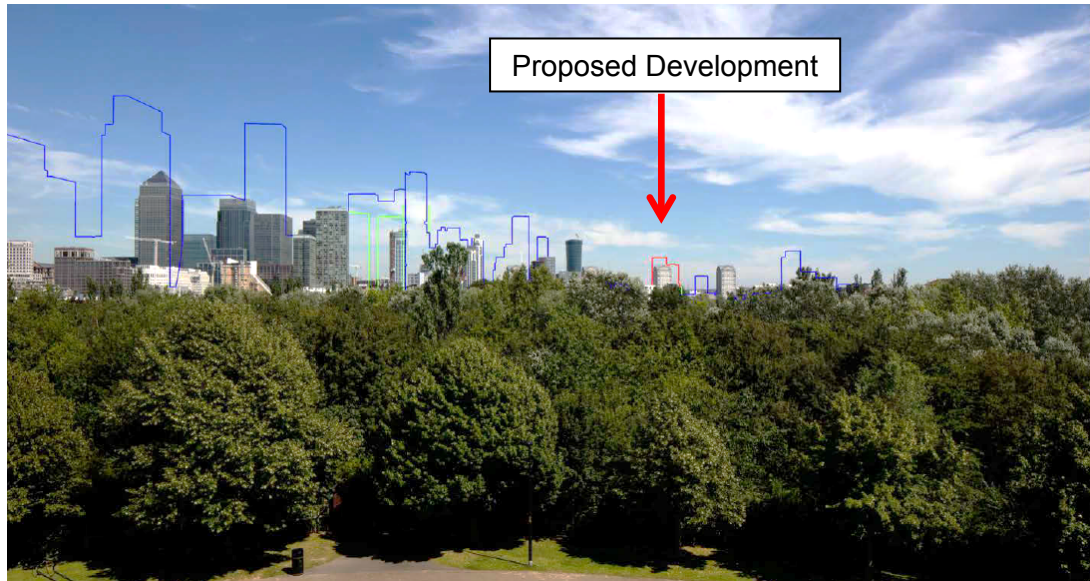


Fig.20 – View from Stave Hill (Rotherhithe)

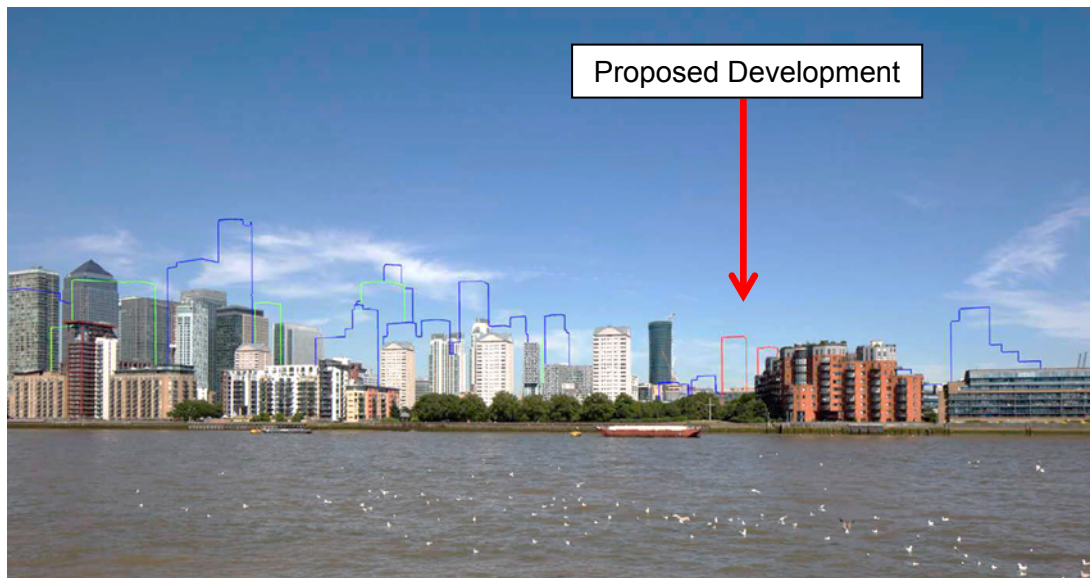


Fig.21 – View from Greenland Dock (Rotherhithe)

- 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.

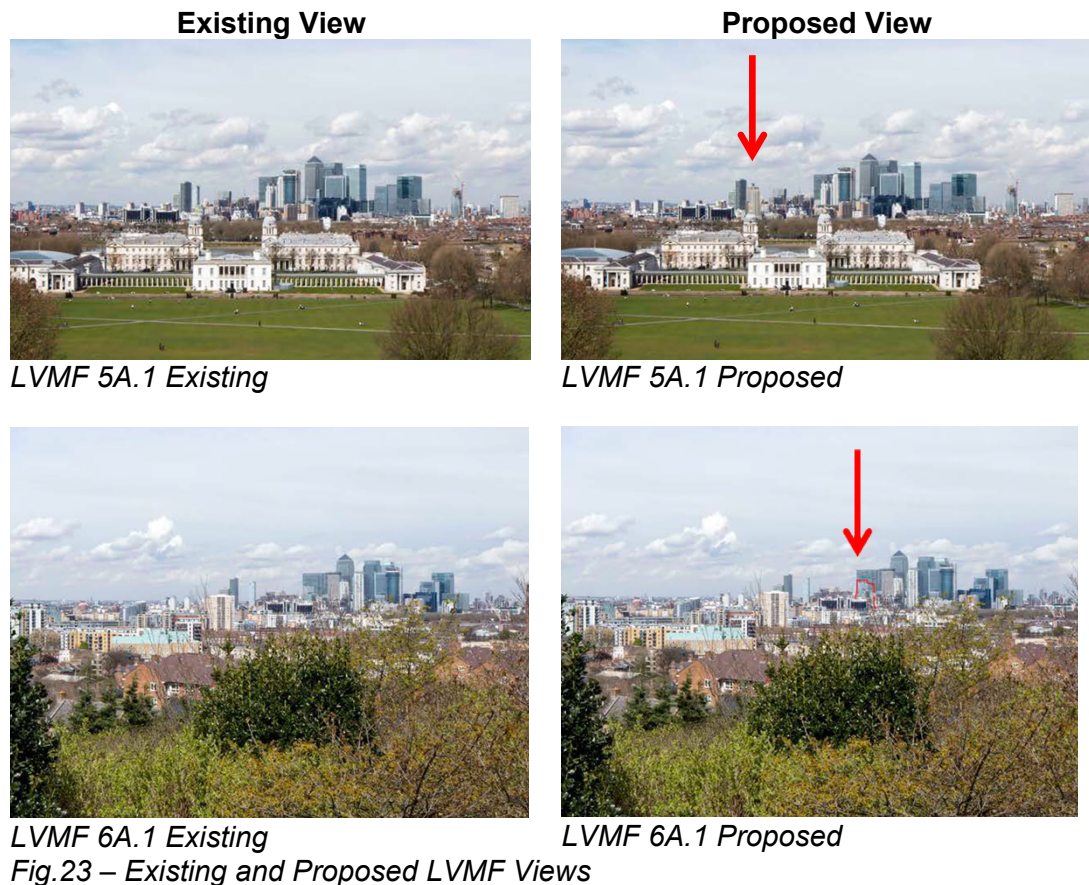


Fig.23 – Existing and Proposed LVMF Views

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:

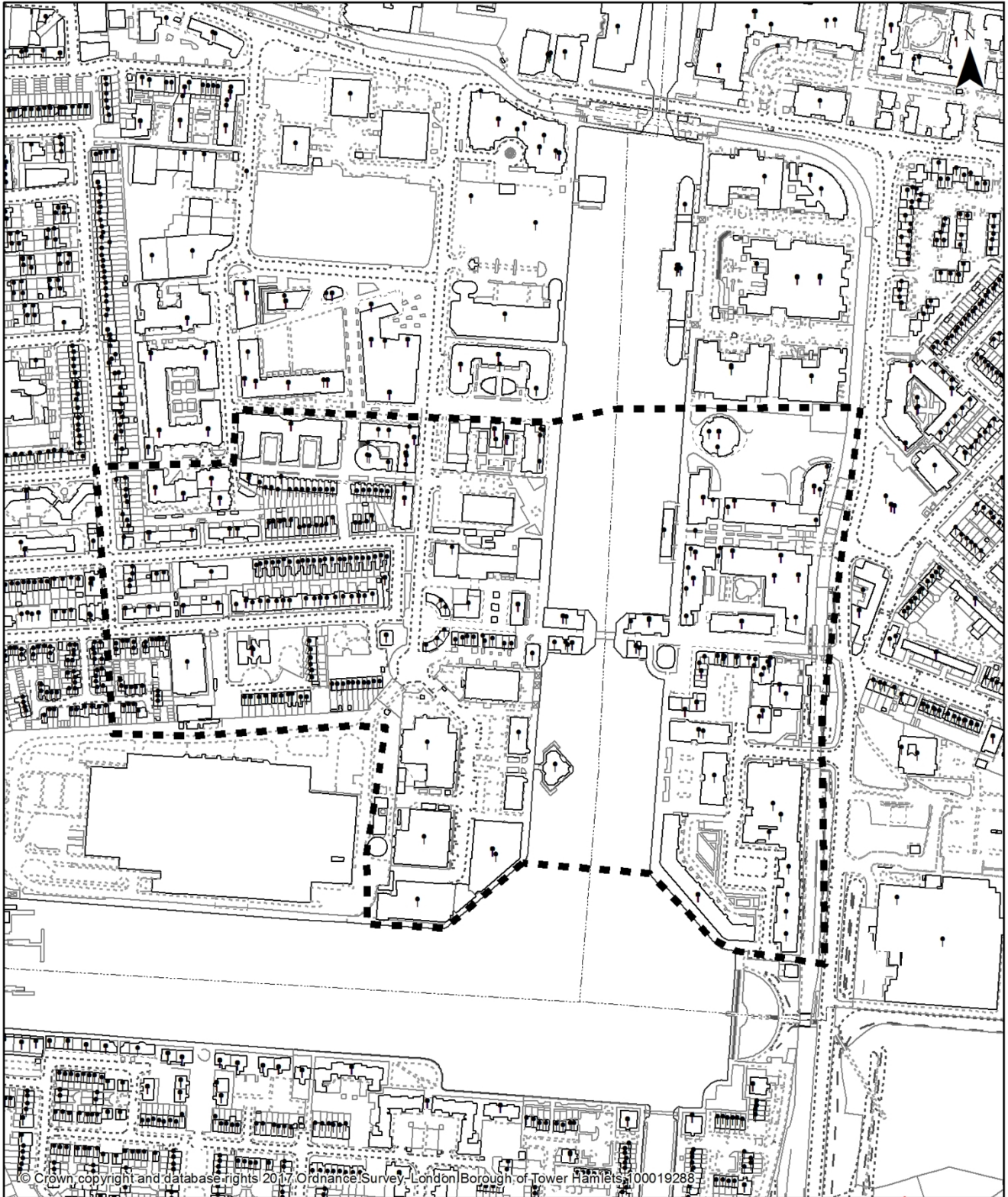
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share 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 no	Reference no	Location	Proposal / Title
5.1	PA/16/03518	49-59 Millharbour, 2-4 Muirfield Crescent And 23-39 Pepper Street, London, E14	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.

1.0 CLARIFICATIONS AND CORRECTIONS

1.1 Paragraph 6.29 to be amended as follows "...the height of the proposal does not raise strategic concern..."

1.2 Paragraph 8.224 to be amended as follows "...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)~~ 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 is recommended should permission be granted."

2.0 ADDITIONAL REPRESENTATION

2.1 Since the publication of the committee report, the Council has received an additional 2 objection letters. The following points are raised:

- Impact upon infrastructure;
- Overdevelopment;
- Height of proposal and failure to step down;
- Daylight and sunlight impacts;
- Increase in crime;
- Impact upon views from Maritime Greenwich;
- Loss of existing office space;
- Facility for general public as opposed to police should be provided.

2.2 These matters have been considered in the officer's report.

3.0 RECOMMENDATION

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

Agenda Item 5

Committee: Strategic Development	Date: 30 th November 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: 30 th November 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Kate Harrison	Ref No: PA/16/02692
	Ward: Lansbury

1.0 APPLICATION DETAILS

Location: Ailsa Wharf, Ailsa Street, London

Existing Use: 811sqm of storage (use class B8) and 20,148sqm of external storage, scrap yards, waste disposal, breaking down of vehicle parts (Use Class Sui Generis).

Proposal: Demolition of existing structures/buildings and the redevelopment of the site for a mixed use scheme providing 785 residential units (C3) and 2,954 sqm GIA commercial floorspace (A1/A3/B1/D2) within a series of thirteen building blocks varying between 3 and 17 storeys (Maximum AOD height of 59.5m); the creation of a new access road and the realignment of Ailsa Street; the provision of safeguarded land for a bridge landing; the provision of cycle and car parking spaces; and associated site-wide landscaping and public realm works.

Drawings and Documents: *Location Plans and Existing Site Plans:*

List of Drawings to be approved

3334_PL(90)01 Rev A Site Location Plan

3334_PL(90)02 Rev A Topographical Survey plan

3334_PL(90)03 Rev A Plan as existing

3334_PL(90)04 Rev A Elevations as existing

Proposed Floor Plans:

3334_PL(20)100 Rev D Basement plan

3334_PL(20)101 Rev F Ground floor plan and landscape

3334_PL(20)102 Rev F Ground floor plan

3334_PL(20)103 Rev E First floor plan

3334_PL(20)104 Rev E Second floor plan

3334_PL(20)105 Rev E Third floor plan

3334_PL(20)106 Rev E Fourth floor plan

3334_PL(20)107 Rev E Fifth floor plan

3334_PL(20)108 Rev E Sixth floor plan

3334_PL(20)109 Rev E Seventh floor plan

3334_PL(20)110 Rev D Eighth floor plan
3334_PL(20)111 Rev D Ninth floor plan
3334_PL(20)112 Rev D Tenth floor plan
3334_PL(20)113 Rev D Eleventh floor plan
3334_PL(20)114 Rev D Twelfth floor plan
3334_PL(20)115 Rev D Thirteenth floor plan
3334_PL(20)116 Rev D Fourteenth floor plan
3334_PL(20)117 Rev D Fifteenth floor plan
3334_PL(20)118 Rev D Sixteenth Floor Plan
3334_PL(20)119 Rev D Roof plan landscape
3334_PL(20)120 Rev D Basement plan A
3334_PL(20)121 Rev D Basement plan B
3334_PL(20)122 Rev F Ground floor plan A
3334_PL(20)123 Rev F Ground floor plan B
3334_PL(20)124 Rev E First floor plan A
3334_PL(20)125 Rev E First floor plan B
3334_PL(20)126 Rev E Second floor plan A
3334_PL(20)127 Rev E Second floor plan B
3334_PL(20)128 Rev E Third floor plan A
3334_PL(20)129 Rev E Third floor plan B
3334_PL(20)130 Rev E Fourth floor plan A
3334_PL(20)131 Rev E Fourth floor plan B
3334_PL(20)132 Rev E Fifth floor plan A
3334_PL(20)133 Rev E Fifth floor plan B
3334_PL(20)134 Rev E Sixth floor plan A
3334_PL(20)135 Rev E Sixth floor plan B
3334_PL(20)136 Rev E Seventh floor plan A
3334_PL(20)137 Rev E Seventh floor plan B
3334_PL(20)138 Rev D Eighth floor plan A
3334_PL(20)139 Rev D Eighth floor plan B
3334_PL(20)140 Rev D Ninth floor plan A
3334_PL(20)141 Rev D Ninth floor plan B
3334_PL(20)142 Rev D Tenth floor plan A
3334_PL(20)143 Rev D Tenth floor plan B
3334_PL(20)144 Rev D Eleventh floor plan B
3334_PL(20)145 Rev D Twelfth floor plan B
3334_PL(20)146 Rev D Thirteenth floor plan B
3334_PL(20)147 Rev D Fourteenth floor plan B
3334_PL(20)148 Rev D Fifteenth floor plan B
3334_PL(20)149 Rev D Sixteenth floor plan B
3334_PL (20)119 Rev D Roof plan landscape

Sections and Elevations:

3334_PL(20)300 Rev E Sections EW01 and NS01
3334_PL(20)301 Rev D Sections EW02 and NS02
3334_PL(20)302 Rev E Sections EW03 and NS03
3334_PL(20)303 Rev E Sections EW04 and NS04
3334_PL(20)304 Rev E Sections EW05 and NS05
3334_PL(20)305 Rev E Sections EW06 and NS06
3334_PL(20)306 Rev E Sections EW07 and NS07
3334_PL(20)307 Rev E Sections EW08 and NS08
3334_PL(20)308 Rev E Sections NS09 and R01
3334_PL(20)400 Rev E Block A/B/C Detailed elevation
and section

3334_PL(20)401 Rev D Block D Detailed elevation and section
3334_PL(20)402 Rev D Block EFG / IJK Detailed elevation and section
3334_PL(20)403 Rev E Block EFG Detailed elevation and section
3334_PL(20)404 Rev D Block IJK Detailed elevation and section
3334_PL(20)405 Rev D Block M Detailed elevation and section
3334_PL(20)420 Rev C Block A South and East elevations
3334_PL(20)421 Rev C Block A North and West elevations
3334_PL(20)422 Rev C Block B South and East elevations
3334_PL(20)423 Rev C Block B North and West elevations
3334_PL(20)424 Rev C Block C South and East elevations
3334_PL(20)425 Rev C Block C North and West elevations
3334_PL(20)426 Rev C Block D South elevation
3334_PL(20)427 Rev C Block D East elevation
3334_PL(20)428 Rev C Block D North elevation
3334_PL(20)429 Rev C Block D West elevation
3334_PL(20)430 Rev C Block EFG South elevation
3334_PL(20)431 Rev C Blocks EFG East elevation
3334_PL(20)432 Rev C Blocks EFG North elevation
3334_PL(20)433 Rev C Blocks EFG West elevation
3334_PL(20)438 Rev C Blocks IJK South elevation
3334_PL(20)439 Rev C Blocks IJK East elevation
3334_PL(20)440 Rev C Blocks IJK North elevation
3334_PL(20)441 Rev C Blocks IJK West elevation
3334_PL(20)446 Rev C Block M South elevation
3334_PL(20)447 Rev C Block M East elevation
3334_PL(20)448 Rev C Block M North elevation
3334_PL(20)449 Rev C Block M West elevation

Wheelchair unit schedules/ drawings:

3334_PL(70)00 Rev C Wheelchair Accommodation Summary
3334_PL(70)01 Rev C Block A&C Wheelchair unit Type A Pre-adaption
3334_PL(70)02 Rev C Block A&C Wheelchair unit Type A Post-adaption
3334_PL(70)03 Rev C Block B Wheelchair unit Type B.02 Pre-adaption
3334_PL(70)04 Rev C Block B Wheelchair unit Type B.02 Post-adaption
3334_PL(70)05 Rev B Block D Wheelchair unit Type D.02 Pre & Post-adaptation
3334_PL(70)06 Rev C Block E Wheelchair unit Type E.04

3334_PL(70)07 Rev C Block E Wheelchair unit Type E.08
3334_PL(70)08 Rev B Block G Wheelchair unit Type G.01 Pre-adaption
3334_PL(70)09 Rev B Block G Wheelchair unit Type G.01 Post-adaption
3334_PL(70)10 Rev C Block G Wheelchair unit Type G.06
3334_PL(70)11 Rev B Block I Wheelchair unit Type I.09 Pre & post -adaption
3334_PL(70)12 Rev B Block K Wheelchair unit Type K.05 Pre & post -adaption
3334_PL(70)13 Rev C Block K Wheelchair unit Type K.09 Pre & post -adaption
3334_PL(70)14 Rev C Block M Wheelchair unit Type M.02 Pre & post -adaption

Landscape Plans:

SLD – UD67- LM1 Rev C – Landscape Master Plan
SLD – UD67- LP1 Landscape Planting Plan

Additional Plans:

Stockwool Drawings:

SK01: Indicative Zone of River Wall works
SK02 Rev D: Highways for Adoption
SK05, Rev A: Ground Floor Plan Indicative Phase 1 Relationship Park Space
SK06: Accessible route through the podium spaces
SK07: Lochnagar Street (east) Refuse Collection Strategy
SK08: Basement Cycle Storage Arrangements
SK09: Site wide Cycle parking distribution
SK11: Wheelchair accessible communal amenity space
SK12: Tenure plans
SK15 Rev A: Intertidal Terraces
SK16 Rev A: Safeguarded Ares for the future footbridge
SK17 Rev A: Local cycle and pedestrian routes
SK19 Rev A: Existing Development Area

Standerwick Drawings:

Ailsa Street – Intended use of site
Ailsa Street – Intended use of site with GLA Recommended playspace provision and comfort ratings

Supporting Documents:

Planning Statement (July 2017)
Design Statement Second Addendum (July 2017)
Summary of Facade Revisions (October 2017)
Revised Accommodation Schedules, dated 6 July

2017
 Tenure Plan (Rev 7), 27 October 2017
 Landscape Design Statement Rev C (June 2017)
 Lighting Strategy Revision A (February 2017)
 Transport Assessment (July 2017) and Transport Assessment Amended Scheme Technical Addendum (November 2017)
 Draft Framework Travel Plan (July 2017)
 1Energy Statement (September 2016), Energy Statement Addendum (July 2017) and SAP and SBEM Worksheets;
 1Overheating Assessment (July 2017)
 Sustainability Statement (September 2016) and Sustainability Addendum (July 2017);
 River Wall Condition Survey (July 2017)
 Water Freight Feasibility Assessment (August 2017)
 Utilities Assessment (September 2016)
 Environmental Statement (September 2016), Supplementary Environmental Statement (April 2017) and Supplementary Environmental Statement (July 2017);
 Non-Technical Environmental Statement (July 2017);
 and
 Supplementary Daylight and Sunlight Analysis dated 13 October 2017 and Appendices
 Operational and Construction Waste Management Strategy (November 2017)
 Economic Statement (September 2016)
 Viability Assessment (September 2016)
 Statement of Community Involvement (September 2016)
 Response to consultation comments received on September 2016 Scheme, April 2017 Scheme and July 2017 Scheme.
 XCO2 note on Mitigation Impacts and Residual Effects (October 2017)
 Daylight Sunlight Assessment (November 2017)

Applicant: Ailsa Wharf Developments

Ownership: Paul Howard Thornton
 Julian Marks
 Daniel Rumbol
 Glassex Holdings Limited
 Terrence Welley
 Denise Patricia Perry
 Lisa Jane Swaile
 London Borough of Tower Hamlets

Historic Building: None within red line boundary

Conservation Area: None within red line boundary

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 The report considers an application for the demolition of the existing buildings on site and the erection of thirteen building blocks varying between 3 and 17 storeys (Maximum AOD height of 59.5). The redevelopment of the site would provide for a mixed use scheme providing 785 residential units (C3) and 2,954 sqm GIA commercial floorspace (A1/A3/B1//D2); the creation of a new access road and the realignment of Ailsa Street; the provision of cycle and car parking spaces; and associated site-wide landscaping and public realm works. The proposal also safeguards land for a future pedestrian bridge that would be subject to a separate planning application.
- 2.3 The application site falls within the Lower Lea Valley Opportunity Area and within a Regeneration Area, as designated by the Greater London Authority within the London Plan (2016). The site also falls within a Housing Zone defined within the Mayors Draft Housing Strategy (2017). The application site forms part of the wider Ailsa Street Site Allocation (Site Allocation 11) as set out in the Council's Managing Development Document (2013). It is considered that the introduction of a residential-led mixed use development with supporting commercial uses is acceptable within the context of the site allocation and opportunity area.
- 2.4 The proposed design of the scheme is considered to be acceptable in terms of its impact on local 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.
- 2.5 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. Therefore, the proposed development can be seen to be in accordance with relevant policy and thus acceptable in amenity terms.
- 2.6 The proposal would not have an adverse impact upon the local highway and public transport network and would provide suitable parking arrangements and servicing arrangements. The proposal is therefore acceptable in transport and highways terms.
- 2.7 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.
- 2.8 A strategy for minimising carbon dioxide emissions from the development has been proposed in compliance with the London Plan energy hierarchy and the proposal meets the policy targets for reduction in carbon emissions

levels. The non-residential elements of the scheme have been designed to be BREEAM 'Excellent'. The proposal is thus acceptable in energy and sustainability terms.

- 2.9 The proposal is acceptable in archaeology, air quality, biodiversity, contaminated land, flood risk, microclimate, 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, public realm and transport and highways matters.
- 2.10 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 subject to any direction by the London Mayor, planning permission is APPROVED subject to the prior completion of a legal agreement to secure the following planning obligations:

3.2 Financial contributions:

- a) A contribution of £215,005 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £69,382 towards employment skills and training to access employment in the commercial uses within the final development (end user phase);
- c) A contribution of £28,000 towards wayfinding signage;
- d) A contribution of £6,500 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total financial contributions: £318,887

3.3 Non- financial contributions:

- a) Delivery of 35% Affordable Housing comprising of 81 intermediate units, and 152 rented units;
- b) Viability review mechanism (pre-commencement and late stage to apply to both phases) with reasonable endeavours being made to secure grant;
- c) 40 construction phase apprenticeships;
- d) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
- e) Permit free agreement restricting future residents from applying for parking permits;
- f) Travel Plan;
- g) Code of Construction Practice;
- h) S.278 highways and public realm improvement works including tree planting on the a12;
- i) Additional highways to be adopted by LBTH;

- j) The securement of public access routes and areas of public realm on site (within phase 1) including maintenance of these areas (to include keeping Bromley Hall Road open for vehicular/ pedestrian and cycle access);
 - k) Safeguarded bridge landing area;
- 3.4 That the Corporate Director for Place is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
- 3.5 That the Corporate Director for Place is delegated power to impose conditions and informatives on the planning permission to secure the following matters:
- 3.6 Conditions:

Prior to commencement:

1. Construction Environmental Management Plan including air quality measures;
2. Ground contamination site investigation;
3. Archaeological scheme of investigation;
4. Details of proposed craneage and scaffolding in consultation with London City Airport;
5. Piling method statement;
6. Television and radio reception survey;
7. Precautionary emergence survey (birds), if development takes place between April-August;
8. Thames water capacity study;
9. Details of the removal of Japanese knotweed;
10. Details of proposed route for site heat network;
11. Details of how the flood defence will improve in consultation with the Environment Agency;

Prior to Superstructure Works Conditions:

12. Details of proposed wheelchair accessible residential units;
13. Mechanical ventilation details for residential and commercial units where mitigation is required;
14. Full details of biodiversity mitigation and enhancements;
15. Details and specification of all external facing materials;
16. Details and specification of all soft and hard landscaping, including details of communal amenity space and child play space and cycle docking station in accordance with the wind study approved within the Environment Statement;
17. Surface water drainage scheme;
18. Details of proposed cycle parking and associated facilities including cycle docking station;
19. Details of wayfinding signage;
20. Secure by Design accreditation;
21. Details and specification of external glazing and balustrading;
22. Details of all external CCTV and lighting;
23. Details of extraction and ventilation for Class A3 use;

Prior to Occupation Conditions:

24. Confirmation of as built CO2 emissions;
25. Delivery of BREEAM 'Excellent' for non-residential elements of scheme;
26. Ground contamination verification report;
27. Car parking management plan;
28. Full delivery and servicing plan;
29. Waste management plan;
30. Details and specification of all commercial unit shop fronts and signage;
31. Details of electric vehicle charging points;
32. Confirmation that all proposed plant complies with noise level limits;
33. Management plan and proposed hours of operation for A3 and D2 use classes;

Compliance Conditions:

34. Permission valid for 3 years;
35. Development in accordance with approved plans;
36. Hours of construction;
37. Refuse storage to be provided prior to occupation and retained in perpetuity;
38. Cycle storage to be provided prior to occupation and retained in perpetuity.
39. Lighting Strategy including low level lighting to mitigate impact on bats to be retained in perpetuity

Informatives

1. Subject to S106 and S278 agreements;
 2. CIL liable;
 3. Thames Water informatives;
 4. National Grid informative;
- 3.7 Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Place.

4.0 LOCATION DETAILS, PROPOSAL and DESIGNATIONS

- 4.1 The application site is located within the east of the borough and falls within the electoral ward of Lansbury. The site is positioned between the A12 Blackwall Tunnel Northern Approach and the River Lee as shown in Figure 1 below.

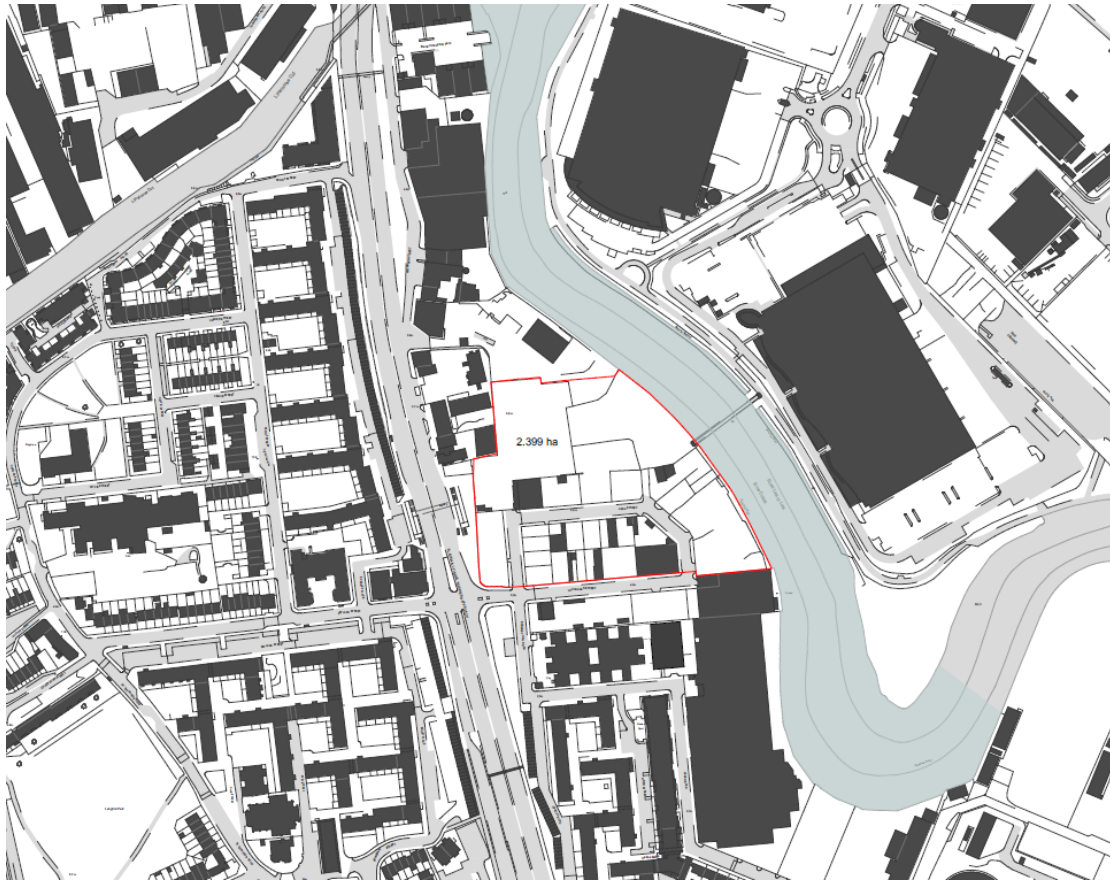


Figure 1- Application Site

- 4.2 The application site is approximately 2.39 hectares in size and is occupied by various industrial activities including car breaking, vehicle salvage, waste transfer and open storage and scrap yards (Sui Generis Use Class) as well as approximately 811sqm of warehouse and storage space (Use Class B8). Most of the accommodation is of a temporary nature and the submission documents inform that most of the premises are occupied on short term flexible rents. It is estimated that the site currently employs between 25-30 people. A significant proportion of the site is open storage but there is a large single storey brick warehouse building to the south east of the site in a poor state of repair. There are some smaller 1-2 storey structures across the site that are also in a poor state of repair and constructed predominantly of brick or corrugated metal.
- 4.3 To the north, the application adjoins a safeguarded waste site which is currently vacant. To the north west the site backs on to: residential properties on Wellspring Close; the Grade II Listed Building at 45 Gillender Street; the Grade II* Listed Bromley Hall and the office block to the rear and; the Grade II Listed former fire station at 25-37 Gillender Street.
- 4.4 Beyond this to the north is industrial land although this area is changing with a residential led, mixed use scheme at Gillender Street complete, Bow School completed and there is currently a live application for a mixed use scheme on the Barratt Industrial Estate (see 'Planning History' section of report).

- 4.5 Immediately west of the application site, on the opposite side of the A12, the predominant land use is housing. Beyond this to the northwest are the Limehouse Cut and the Empson Street industrial site.
- 4.6 To the south there is a mix of housing and industrial uses including 1-4 storey residential properties and garages between Abbott Road and Leven Road and industrial premises at Islay Wharf and on Leven Road. The Grade II Listed Bromley Hall School is immediately south of the application site on the southern side of Lochnagar Street.
- 4.7 To the east, the site is bound by the River Lea. There is a high voltage cable within a container bridge that crosses the River Lea and then at the boundary of the application site, goes underground beneath the site towards Lochnagar road and the junction with the A12.

Designations

- 4.8 The application site falls within the Lower Lea Valley Opportunity Area, and within a Regeneration Area as designated by the Greater London Authority within the London Plan (2016).
- 4.9 The site falls within the Poplar Riverside Housing Zone as defined within the Mayor’s Draft Housing Strategy (2017). Whilst this is not a planning designation, the housing zone status is a material planning consideration. Policy 8.1 (Implementation) in the London Plan sets out that Housing Zones involve collaborative working between partners including the Mayor, boroughs and communities to realise the potential of large development areas through measures such as targeted tax incentives and effective land assembly to unlock development and optimise delivery.
- 4.10 The application site forms part of a wider site allocation as set out in the Council’s Managing Development Document (2013) that extends from the north at 40 Gillender Street southwards and eastwards to the boundary of the old Bus Garage on Leven Road, as shown in Figure 2 below.

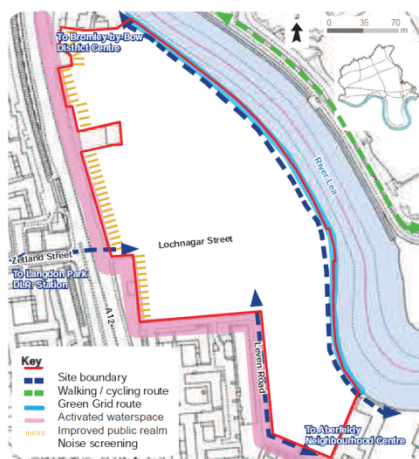


Figure 2- Site Allocation 11- Ailsa Street



Figure 3- Image from MDD showing Safeguarded Waste Site within site allocation

- 4.11 As shown within Figure 3 there is a safeguarded waste site within the Ailsa Street site allocation. The red line boundary of the current planning application does not extend to include the waste site.

- 4.12 The application site itself does not fall within a Conservation Area or contain any Listed Buildings. However, the Limehouse Cut Conservation Area lies to the north west of the site and the Balfour Tower Conservation Area and Langdon Park Conservation Area lie further away to the south. There are several surrounding Listed Buildings as shown in Figure 4 below. The nearest Listed Buildings are the Grade II Listed Bromley Hall School on the opposite side of Lochnagar Street, the Grade II Listed Old Poplar Library at 45 Gillender Street, the Grade II* Listed Bromley Hall and the Grade II Listed former fire station at 25-37 Gillender Street. The site also falls within an Archaeological Priority Area.

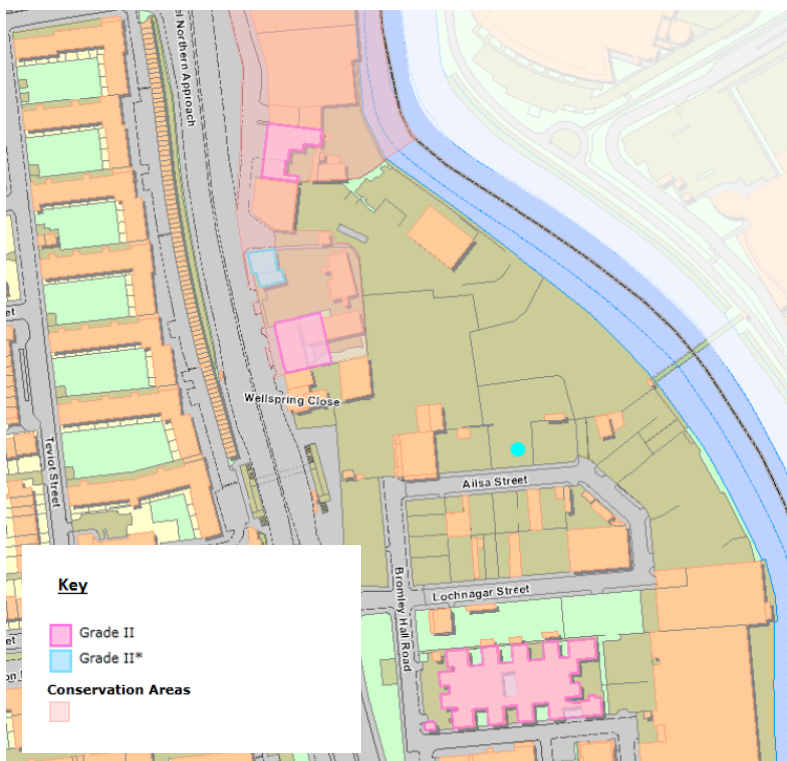


Figure 4- Map showing surrounding Listed Buildings and Conservation Areas

- 4.13 The Environment Agency's flood map shows that the site falls within Flood Zone 3. The River Lea and Bow Creek form the eastern boundary of the application site and are designated as a Site of Important Nature Conservation with Metropolitan importance and also fall within the Council's Blue Ribbon network.
- 4.14 The whole of the borough falls within an Air Quality Management Area and within the London City Airport Safeguarding Zone.

Proposal

- 4.15 As shown in Figure 5 below, the proposed scheme comprises a series of thirteen blocks of residential and mixed use development ranging from 3-17 storeys in height. The three riverside buildings will increase in height from north to south starting with 13 storeys (Block C); 15 storeys (Block B) to 17 storeys (Block A). There is also a part 7, part 8, part 10 storey building (Block M) which fronts on to the A12.

- 4.16 Two courtyard blocks ranging from 3-8 storeys are positioned in the centre of the site, the most northerly contains blocks E, F and G and the southerly contains blocks I, J and K. The southern element of each of these courtyard blocks comprises a row of 3 storey terrace houses. A further residential block is positioned to the south of the site fronting Lochnager Street (Block D) and this would be part 6 storeys, part 8 storeys in height.

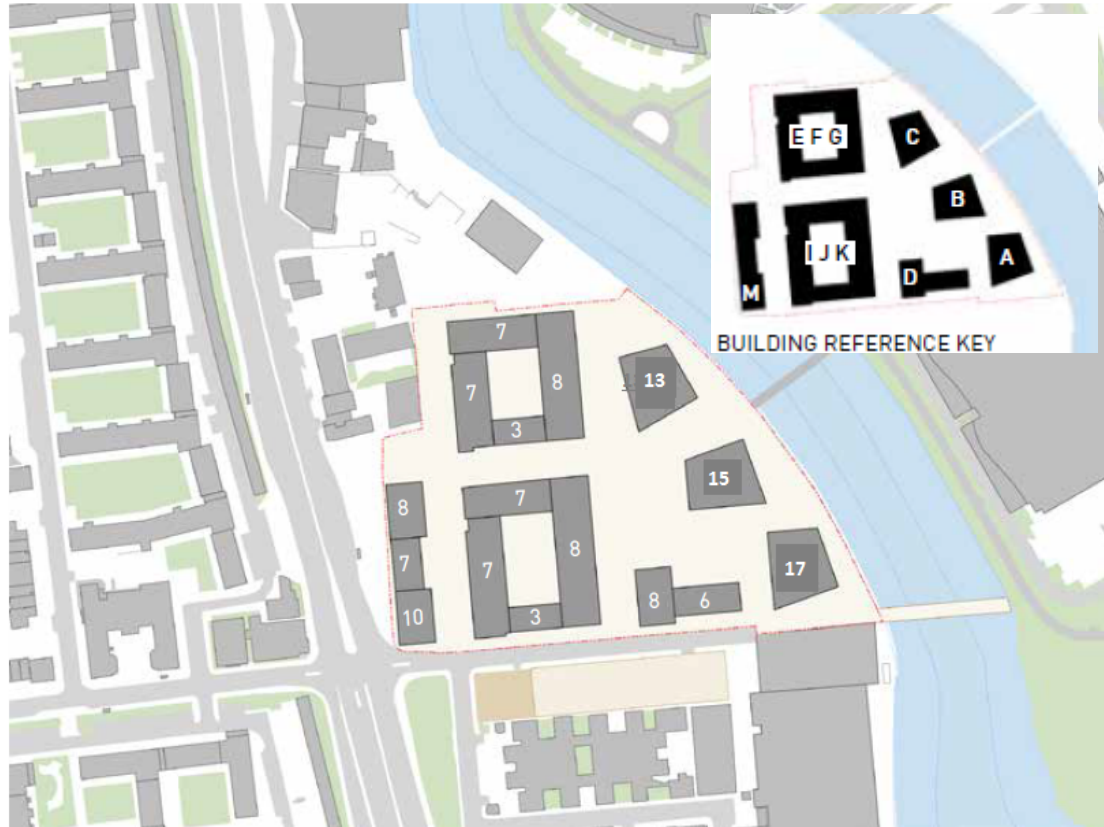


Figure 5- Map showing proposed buildings and respective heights



Figure 6- Aerial view of scheme in context

4.17 The applicant updated the original scheme to increase the commercial offer and the active frontage along the riverside walkway. In total, the scheme now provides 2,954 sqm of commercial floor space generating a total of 83 employees:

- Building M provides 1445 sqm of office (B1) floorspace over ground and first floor levels.
- Buildings A, B and C provide 1037 sqm of B1 (office) space at ground floor level.
- Building C would have 225 sqm D2 (gym) space and 175sqm A3 (café) space over ground and first floor level.
- Block I includes a small 72sqm A1 (retail) unit at ground floor level.

4.18 In total the scheme proposes 785 residential units, 35% of which are affordable by habitable room. The 233 affordable units are split 65/35% in favour of affordable rent (50% Tower Hamlets Living Rent and 50% London Affordable Rent) with the remaining being intermediate sale units. This equates to 152 affordable rented units and 81 intermediate units. The table below show the proposed housing mix by tenure and unit size:

	Studio	1	2	3	4	Total
Affordable rent	-	39	58	39	16	152
Intermediate	-	39	22	19	1	81
Private	72	212	189	75	4	552
Total	72	290	269	133	21	785

4.19 Key pedestrian and cycle routes are located throughout the site (west- east and north-south) with key links along Lochnager Street to the riverside walkway. At the end of Lochnager Street, there is also an area of land safeguarded for a landing area for a potential pedestrian footbridge that would be subjected to a separate application.



Figure 7- Map showing 642sqm safeguarded bridge landing area marked in blue.

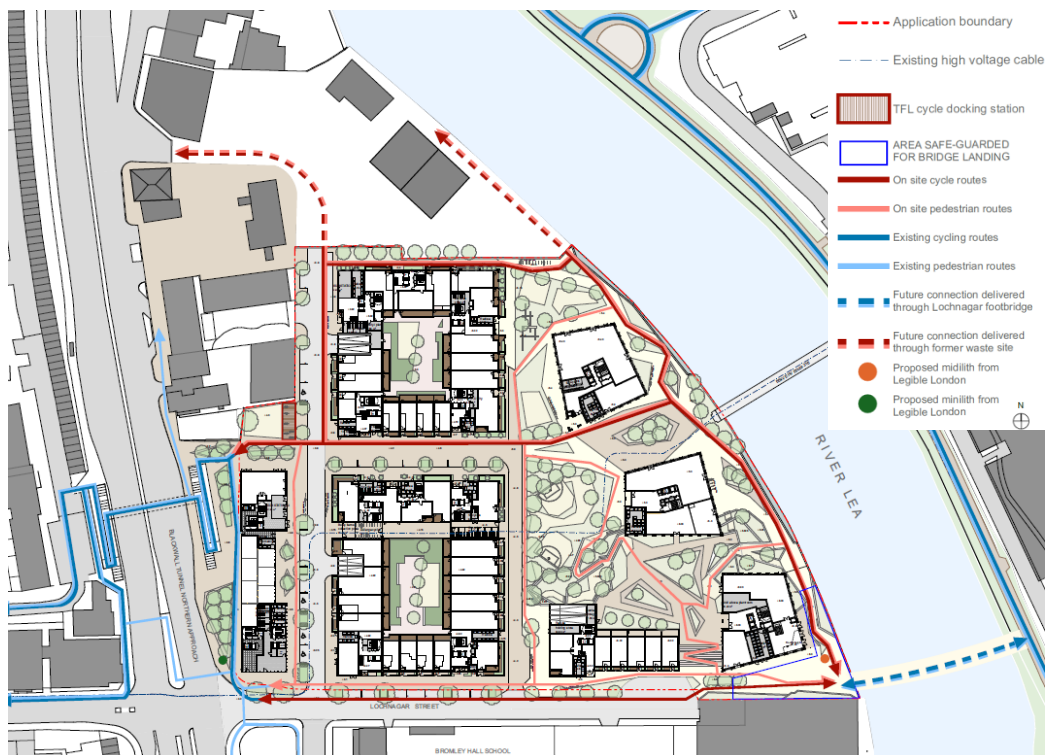


Figure 8- Map showing existing and proposed pedestrian/ cycle links

4.20 The proposal comprises three significant areas of public open space; the riverside walkway, a central park and a pocket park adjacent to Block M. This amounts to a significant area totalling 6,725 sqm in public open space. The scheme provides 2668 sqm of child play space which meets the

requirements for all age groups and exceeds the overall requirement. Playspace is provided predominantly in central park but the courtyard blocks and block M which generate the highest child yields also have external areas of 0-5 door step play within the respective blocks. In total 3720sqm of communal amenity space is provided within courtyard spaces and at roof level.



Figure 9- Map showing proposed open spaces including child play space, private communal space, private individual communal space and public open space.

4.21 The proposal includes 205 car parking spaces in the basement, 79 of these would be for blue badge holders. 1420 cycle spaces for the residential and commercial uses including short stay spaces for visitors are included at basement and at ground floor level.

5.0 RELEVANT PLANNING HISTORY

5.1 Application Site

Applications relating to whole/ most of site are:

PL/90/00039- Installation of pit-mounted concrete or steel deck weighbridge 15m long and 3m wide.

Permitted 03/02/1992

PA/87/00762- Use as a waste transfer station.

Permitted 18/09/1987

PA/86/00772- Installation of a mobile crushing unit.

Refuse 22/10/1986

PA/85/00660- Use as a transfer station for skip waste.

Permit 22/08/1985

PA/72/00537- Installation and retention of oil pipelines between Brunswick Wharf and St Leonards Wharf, Tower Hamlets.

Permit 03/05/1973

Applications relating to smaller areas within the application site:

PA/12/02194- Temporary change of use for a period of 5 years from vacant industrial site to the breaking of motor vehicles and associated salvage, storage and distribution works (Sui Generis)
Article 36- 13/08-2014

PA/11/02242- Temporary change of use for a period of 3 years from vacant industrial to mixed use comprising open storage (use class B8).
Article 36- 24/07/2014

PA/13/01008- Certificate of Lawfulness in respect of the existing use of St Leonards Wharf, Ailsa Street, as a business dealing with the dismantling of vehicles, waste storage, scrap yard, exporting of the sales of parts and loading/unloading as necessary.
Permit 13/06/2013

PA/11/03667- Application for lawful development certificate for existing use as demolition and reclamation materials storage purposes (sui generis use class).
Permit 23/02/2012

PA/11//02437- Application for lawful development certificate for existing use as breaking motor vehicles and associated salvage, storage and distribution works (sui generis use class).
Permit 03/11/2011

PA/00/00449- Temporary change of use (5 years) from vacant industrial to use as open storage B8 use with ancillary parking for the use of Poplar Library Business Centre.
Permit 29/09/2000

5.2 Surrounding sites

Former Northern Part of St Leonards Wharf, Gillender E14 (Now referred to as Safeguarded Waste Site as of site designations)

PA/09/00779
Retention of existing waste transfer station together with associated workshop/depot, two temporary cabin units, weighbridge, ancillary offices and use of land for related purposes including open storage and parking for a temporary period of three years.
Withdrawn 24/08/2009

PL/88/00030
Continuation of use as a waste transfer station, including buildings, riverside, walkway and other works.
Permit 15/08/1989

PA/88/00608
Continuation of use as a waste transfer station, including buildings, riverside walkway and other works.
Permit 15/08/1989

PA/88/00609
Temporary continuation of use as a waste transfer station for up to 3 years.
Refuse 06/04/1988

Bromley Hall School

PA/16/00884- Expansion of existing school to provide 2 FE Primary school and associated nursery, including partial demolition of existing building.
Permit 18/11/2016

PA/16/00885- Expansion of existing school to provide 2 FE Primary school and associated nursery, including partial demolition of existing building.
Permit 18/11/2016

A12 Garages

PA/17/00662 - Full planning application for the partial demolition and change of use, conversion and roof extensions of 101 existing domestic garages and a redundant boiler house to create a Fashion and Makery Creative Workspace Hub (total floorspace 2,136.8 sq.m. GIA) including 883.3 sq.m. of business units (Use Class B1), 237.8 sq.m. of garment production space (Use Class B1), a 132.9 sq.m. training space (Use Class D1), and a 159.6 sq.m. reception and cafe (Use Class A3) on Abbott Road, and a 614.3 sq.m. 'Makery' (Use Class B1) on Teviot Street. The scheme will also include landscape improvements to an existing community garden and growing area, cycle and vehicular parking.
Awaiting decision at time of writing report.

Barratt Industrial Estate and Riverside Industrial Estate

PA/11/03549

Demolition of existing storage/warehouse buildings and redevelopment to provide 1,778 sq.m. mixed commercial (Use Class B1) and 109 residential units (Use Class C3) within three buildings from 5/6 to 12/13 storeys in height; new ground level community amenity and children's playspace; disabled and car club residential parking spaces and commercial service bays.
Permit 28/09/2012

PA/14/03315

Demolition of existing buildings and redevelopment of the site to provide new buildings ranging from ground plus six to ground plus 14 storeys in height comprising 196 residential units including affordable housing (Use Class C3) and 1,730 sqm of commercial floorspace (Use Class B1) and 100 sqm of retail floorspace (Use Class A1/A3) together with associated car parking, open space and landscaping.
Still being considered at the time of writing.

6.0 POLICY FRAMEWORK

6.1 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.

6.2 The list below contains the most relevant policies to the application:

6.3 Government Planning Policy

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

6.4 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)

6.5 Core Strategy 2010

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

6.6 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
- 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

6.7 Draft Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits

Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and will close on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

6.8 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)
Lower Lea Valley Opportunity Area Planning Framework SPG (January 2007)
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)

7.0 CONSULTATION RESPONSES

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

Internal Responses:

LBTH Arboriculture

- 7.2 No objections raised subject to a condition to secure tree replanting.

LBTH Employment and Enterprise

- 7.3 Proposed employment/enterprise contributions at construction phase: The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The Economic Development Service will support the developer in achieving this target through providing suitable candidates through the Workpath Job Brokerage Service (Construction).
- 7.4 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. The Economic Development Service will support the developer to achieve their target through ensuring they work closely with the council's Enterprise team to access the approved list of local businesses.
- 7.5 The Council will seek to secure a financial contribution of £215,005.20 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.
- 7.6 Proposed employment/enterprise contributions at end-use phase: The council seeks a monetary contribution of £69,362.89 towards the training and development of unemployed residents in Tower Hamlets to access either:
i) Jobs within the uses A1 B1 D2 of the development
ii) Jobs or training within employment sectors relating to the final development
Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

LBTH Environmental Health- Air Quality

- 7.7 No objections subject to conditions securing the following: Operational Phase: The Air Quality section of the ES shows that the proposed development lies in an area of poor air quality, exceeding the annual NO2 objective. Therefore mitigation is required to reduce the pollution levels for the future residents, at all facades where the air quality objective is exceeded. Mechanical ventilation has been proposed to provide the residents with cleaner air. Details of the mitigation should be submitted to us for approval including the location of the air inlets, which should be located in an area of less polluted air (i.e the roof & away from the CHP flue).
- 7.8 All energy plant used must meet the emissions standards set out in the GLA's 'Sustainable Design and Construction SPG'.
- 7.9 Construction phase: The demolition/construction assessment is accepted provided the mitigation measures stated in the report are instigated at the development throughout the duration of construction. Please can the

developer submit a construction/demolition environmental management plan detailing how the potential air quality effects will be mitigated and monitored in line with the 'The Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance 2014' and the 'Tower Hamlets Code of Construction practice.'

- 7.10 All Non Road Mobile Machinery (NRMM) must comply with the GLA's NRMM emission limits as set out in The GLA's 'Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance 2014'.

LBTH Environmental Health Contaminated Land

No objections subject to the inclusion of a condition requiring a written scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment. A second part of the condition will require any remediation works to be carried out in full and a verification report to ensure this has been completed.

LBTH Sustainable Urban Drainage (SUDs)

- 7.11 No objections subject to the inclusion of conditions securing a surface water drainage scheme.

LBTH Transportation and Highways

- 7.12 No objections subject to conditions securing transport strategy.

LBTH Waste Policy and Development

- 7.13 No objections subject to conditions securing waste management strategy.

External Responses:

Canal and River Trust

- 7.14 No objections subject to the inclusion of conditions for surface water drainage, contamination, water borne freight and landscaping.

Crime Prevention Officer

- 7.15 No objections. A list of design recommendations for the landscaped areas are included to help the design achieve a secure by design accreditation should the scheme be approved.

Environment Agency

- 7.16 No objections in principle subject to condition. The submission documents confirm that a new river wall will be built inside the line of the existing wall with an offset of up to 2m. The EA are satisfied that the details relating to the design of the new river wall and intertidal terraces can be conditioned and their previous objection removed.
- 7.17 Agree with the recommendations set out in the river wall condition survey by Meinhardt to further investigate the extent of corrosion on the sheet pile wall and the installation of new sheet piled walls to replace the concrete walls. The

EA note that details of the remediation of the river wall to improve the standard to the required condition grade are still very limited, however the EA are satisfied that the applicant has revised their proposals to ensure that no encroachment into the river will occur and the design detailing can be secured by condition.

Greater London Authority

7.18 No in principle objection. The GLA Stage 1 report states in the conclusion that the application broadly complies with the London Plan, however, further information is required to comply fully:

- Affordable housing: to ensure affordable housing has been maximised;
- Climate change: further information to verify the 45% co2 emissions savings.
- Transport: Revisions to cycle parking and landscaping are required. A draft deliveries and service management plan and construction logistics plan are required.

Officer note: Additional information has been submitted to the GLA to address these comments. No further comments have been raised by the GLA.

Historic England

7.19 This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Historic England Archaeology

7.20 No objections subject to the inclusion of relevant conditions.

Lea Valley Regional Park Authority

7.21 No comments received to date.

London Borough of Newham

7.22 No comments received to date.

London Bus Services Ltd

7.23 No comments received to date.

London City Airport

7.24 No objection subject to inclusion of condition.

London Fire and Emergency Planning Authority

7.25 Pump appliance access and water supplies for the fire service appear adequate. In other respects this proposal should conform to the requirements.

London Legacy Development Corporation

7.26 No comments received to date.

National Air Traffic Services Ltd

7.27 No objections.

Natural England

7.28 No objection. The site is unlikely to affect any statutorily protected sites. Consideration should be given to the adjacent Thames Pathway National Trail and Natural England's standing advice on protected species. Measures to improve biodiversity should be taken in to account.

Port of London Authority

7.29 No in principle objections, but the following comments are made:

- The construction works and proposed lighting should be mitigated to ensure that the impact on ecology is kept to a minimum.
- Further consideration should be given to the use of the river bus.
- Further consideration of the role the river could play in the transport of construction and waste materials to and from the site.
- The likelihood of repairs to the river wall and intertidal terraces is noted but not objected to.

Officer comment: With regards to the use of the river to transport construction and waste materials, the applicant submitted a report demonstrating that this would not be possible on technical and viability grounds.

Thames Water Authority

Waste Comments

7.30 Surface Water Drainage – no objection subject to the inclusion of conditions.

Water Comments

7.31 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend a condition requesting impact studies of the existing water supply. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. No objections subject to inclusion of conditions and informatives.

Supplementary Comments

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

Transport for London

7.33 No objections subject to conditions and s106 items.

8.0 LOCAL REPRESENTATION

Applicant's Consultation

- 8.1 The Statement of Community Involvement confirms that two public exhibitions took place from 4.00pm to 8.00pm on 30 March at the Teviot Centre, Wyvis Street, E14 6QD and from 3.30pm to 7.30pm on 31 March at Leaside Business Centre, 45 Gillender Street, E14 6RN. In total, 30 people attended the exhibitions. Approximately 1,500 leaflets were distributed to homes and businesses in the local area and an advert was published in a local newspaper.
- 8.2 The Statement of Community Involvement also informs that 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

- 8.3 A total of 1853 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.
- 8.4 In total, 7 representations were submitted; 4 in support and 3 in objection.
- 8.5 The following issues/ queries were raised in objection to the proposal:
1. The area around Bromley Hall School and the land to the west of this should be cleaned up;
 2. Abbott Road should be resurfaced;
 3. Not enough affordable housing in the borough, should provide affordable homes for local people;
 4. Building construction noise and dust should be considered;
 5. Quality of accommodation should be a good standard with adequate unit sizes and;
 6. Proposed buildings are too tall.
 7. The area needs more cafes, bars and restaurants.
 8. Would have preferred waste site to be developed to avoid noise and smell.

Officer note: With regards to points 1 and 2, the area referred to does not fall within the red line boundary of the planning application and is not within the applicant's ownership. As detailed within the design and highways sections of the report, Lochnager Street, Ailsa Street and the A12 will have a series of road, planting and public realm improvements to be secured through a Section 278 agreement. Points 3-8 will be considered under the 'Material Planning Considerations' section of the report.

- 8.6 In terms of the letters of support for the scheme, it was stated in most of the letters that the redevelopment of the site was welcomed because the area needs regenerating.

9.0 MATERIAL PLANNING CONSIDERATIONS

Land Use

- 9.1 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives, introducing a presumption in favour of sustainable development. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role protecting and enhancing the natural, built and historic environment.
- 9.2 These economic, social and environmental goals should be sought jointly and simultaneously. The framework 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.
- 9.3 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health. Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 39,314 of new homes over a ten year period (2015-2025). The minimum ten year target for Tower Hamlets is set at 39,314 with an annual monitoring target of 3,931. The need to address the pressing demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 9.4 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"*.
- 9.5 Site Allocation 11 (Ailsa Street) which the site forms a part of seeks to deliver *'A comprehensive mixed use scheme to provide a strategic housing development, a primary school and other compatible uses including employment floor space. The existing waste management site is required to be safeguarded in accordance with DM14.'*
- 9.6 Paragraph 4.207 of the Lower Lea Valley Opportunity Area Planning Framework SPG states that 'Development in the sub-area should include, or contribute towards strategic and local interventions to provide:
- Part of the southern portion of the fifth major park space in the LLV open space network, a new Bow Creek cross river open space to provide a significant open space area for potential adjoining new housing and the neighbouring Aberfeldy Estate;

- A new bridge over the River Lea at Lonchnagar Street, linking the two parts of the park; and
- New open space links along the river edge to the north and south of the new open space, connecting the new park space north to the Greater Three Mills Park, and south to the park spaces at Lea Mouth where this has no negative impact on the navigation flood flow capacity of the waterways.

Loss of Existing Floor Space

- 9.7 The site currently comprises 811sqm of internal warehouse and storage space (B8 Use Class) and circa 20,148sqm external space is used predominantly for the breaking down car vehicle parts, storage and distribution (Sui Generis Use Class). There are currently 25 employees generated by the existing uses.
- 9.8 Whilst the majority of the site is classed as Sui Generis use class, this is predominantly because the individual sites within the application boundary have a range of B class (employment) uses occurring within spaces which together form a Sui Generis use class. Policy DM15 in the Managing Development Document seeks to protect existing employment uses. However, the supporting text states that this policy does not apply to developments within the borough's designated site allocations.
- 9.9 The Ailsa Street Site Allocation in the Managing Development Document (2013) sets out that employment uses should be included in the redeveloped site. The proposed scheme would create 2474sqm of B1 (office) floor space in total and would generate an additional 58 employees, creating 83 employees in total. As detailed within the 'principle of commercial uses' section of the report below, officers consider the amount and layout of B1 space proposed is proportionate to the position of the site and scale of development.
- 9.10 For the reasons outlined above, it is considered that the loss of the existing use on site is acceptable as the proposal accords with the aspirations of the Ailsa Street Site Allocation to include employment floor space.

Principle of Residential Uses

- 9.11 The proposed development is located within the Lower Lea Valley Opportunity Area and within an Area for Regeneration. London Plan Policies 2.13 and 2.14 direct large scale residential developments to such areas and the Ailsa Street Site Allocation within the Tower Hamlets Managing Development Document (2013) also seeks strategic housing development on the site.
- 9.12 The site is also within a Housing Zone designated by the Mayor of London in 2016. Whilst this is not a planning designation, the housing zone status is a material planning consideration. Policy 8.1 (Implementation) in the London Plan sets out that Housing Zones involve collaborative working between partners including the Mayor, boroughs and communities to realise the potential of large development areas through measures such as targeted tax incentives and effective land assembly to unlock development and optimise delivery.

- 9.13 The proposal would result in the creation of 785 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). As such, the principle of residential use on the site is welcomed.

Principle of Commercial Uses

- 9.14 The Ailsa Street Site Allocation within the Managing Development Document (2013) seeks a comprehensive mixed use scheme on the site including employment and other compatible uses. The proposed development would provide 2481sqm of B1 (office), 72sqm A1 (retail), 225sqm D2 (gym) and 176sqm A3 (café) floorspace.
- 9.15 Whilst Policy DM1 in the Managing Development Document (2013) directs non-residential uses to town centres, the site allocation requires employment uses and other compatible uses on site to support the strategic housing development.
- 9.16 The 2481sqm of office floor space would contribute to an increase of 58 extra employees on site (the scheme would generate 83 employees in total). The sizes of the units are varied and flexible in design and layout so that the space would appeal to a range of businesses including Small to Medium sized Enterprises (SME's). Overall the amount of floorspace is considered to be proportionate to the amount of development proposed within this site allocation designation.
- 9.17 The other proposed uses (A1 retail, A3 café and D2 gym) would serve the needs of the future occupants of the building and the wider community. The proposed quantum and scale of the commercial uses are considered acceptable in relation to the sites location and the amount of development proposed. As such, the proposed A1, A3, B1 and D2 uses are considered compatible uses in accordance with the Site Allocation.

School

- 9.18 It is noted that the site allocation requires a primary school on the site. However, the application boundary does not extend as far as the Bromley Hall School as this is in separate ownership. As detailed within the 'Planning History' section of the report, a separate planning application for the extension of the existing school has been granted planning permission. The proposed development has been designed in a way to allow for the operation of the existing school should it come back in to use or a larger school on the site should the school permission be implemented. As such, the proposal is acceptable in this regard.

Safeguarded area for bridge landing

- 9.19 The proposal also safeguards approximately 642sqm of land that would facilitate a potential pedestrian / cycle footbridge in the future. This accords with the aspirations of the Lower Lea Valley Supplementary Planning Guidance which requires a pedestrian/ cycle footbridge at Lochnager Street that would cross the river to the London borough of Newham. The OAPF seeks riverside walkways along the eastern and western sides of the River Lea within the boroughs of Tower Hamlets and Newham respectively. The proposed scheme provides a landscaped and activated frontage along the

western side of the River Lea and provides the land for a future bridge landing subject to a separate planning application. This would facilitate a link between the riverside walkways and open space in the future in line with the aspirations of the OAPF as well as Policy SP12 in the Core Strategy (2010) and Policy DM23 in the Managing Development Document (2013) which seek to improve permeability, legibility and pedestrian and cycling connectivity within a well-designed public realm.

Conclusion

- 9.20 The loss of the existing employment floor space to facilitate the redevelopment of a residential led mixed use scheme that would reprovide employment space with supporting commercial uses and a safeguarded bridge landing area accords with both the area's designations (in regional and local spatial planning documents) and relevant planning policy and is thus is considered acceptable.

Density

Policy Context

- 9.21 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.
- 9.22 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

- 9.23 The application site is approximately 742m walk (via the A12 and St Leonards Road) from Chrisp Street District Centre and as such can be classified to fall within an 'urban' setting. The site has a PTAL (Public Transport Accessibility Location) rating ranging from 1 to 3 out of 6 across the site indicating a 'very poor to average' accessibility level to public transport infrastructure.
- 9.24 Given the above the London Plan recommends that a suitable sustainable density range for such a site is 200-450 habitable rooms per hectare (hr/ha). However, it is noted that the London Plan (paragraph 2.39) and associated guidance within the Mayor's Housing SPG acknowledges the potential for large development sites to in Opportunity Areas to define their own character.
- 9.25 The application site has a site area of 2.39ha and seeks to provide 2133 habitable rooms. In line with the Housing SPG methodology, the density is calculated as follows:

Total GIA: 76,184sqm
Of which is residential 73,234sqm (96%)
No of habitable rooms (2133)/ 96% of site area (2.29ha)

= Residential density (931 hr/ha)

- 9.26 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.
- 9.27 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).
- 9.28 Furthermore it should be noted that this site sits within an 'Opportunity Area,' 'Regeneration Area,' and within a Site Allocation targeting strategic residential led development; these are all locations where it is recognised that there is scope for higher density developments. Given the sites designations and the changing nature of the area, combined with the design quality and maintenance of neighbouring amenity, officers are content that the proposed density of this development is appropriate.

Housing

Policy Context

- 9.29 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"*.
- 9.30 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"*.

- 9.31 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".
- 9.32 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

- 9.33 The proposal seeks to provide 35% affordable housing by habitable rooms, providing 152 social/affordable rent units (521 habitable rooms) and 81 intermediate units (225 habitable rooms). This represents a 65%/35% split in favour of social/affordable rented accommodation which is broadly in line with the Council's preferred 70%/30% split in favour of social/affordable rented accommodation.

Tenure	Units	As a %	Habitable Rooms	As a %
Affordable rent	152	19.4%	521	24%
Intermediate	81	10.3%	225	11%
Private	552	70.3%	1387	65%
Total	785	100%	2133	100%

- 9.34 The applicant's viability report has been reviewed by an independent viability consultant instructed by the Council and it was concluded that the amount of affordable housing proposed would be over and above the maximum reasonable amount that could viably be supported by the development. However, the applicant has taken a commercial decision to commit to the 35% affordable housing.
- 9.35 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. If approved, the section 106 would require reasonable endeavours to secure grant funding at each review mechanism stage.
- 9.36 The original affordable housing offer put forward by the applicant in September 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 the new London Affordable Rent and Tower Hamlets Living Rent (meaning that the applicant has further increased their loss and deficit on the scheme). The 152 social/ affordable rented units are split 50%/50% between these rent levels.

9.37 The scheme is split across 2 phases as shown in the map below:



Figure 10- Map showing phase 1 buildings and landscaping

9.38 The affordable housing is spread equally across both phases so that there is 35% in each scenario, broadly complying with the required 70%/30% split between social/ affordable rent and intermediate. Furthermore, as shown above, the delivery of open space is essentially nearly all provided in phase 1 so that residents of the first phase would still have sufficient open space provision if phase 2 was not developed or came at a later stage.

9.39 In line with the Mayor's Affordable housing and viability SPG, an early stage review mechanism of the viability report will be required in the event that the above ground superstructure is not in place 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.

9.40 In addition to the above, a late stage review mechanism (upon 75% sale of units) will be required and this would also be secured via the S.106 agreement.

9.41 To conclude, the proposed development would secure the maximum viable amount of affordable housing on site; the scheme is policy compliant in terms of tenure split across both phases and; securing review mechanisms will allow for additional affordable housing to be secured at fixed points if the viability position changes in the future. As such, the scheme complies with the relevant policy and is acceptable in terms of affordable housing.

Housing Mix

- 9.42 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 %	Units	As a %	Policy Target %
Studio	72	/	/	/	/	/	/	72	13%	/
1 Bed	290	39	26%	30%	39	48%	25%	212	38%	50%
2 Bed	269	58	38%	25%	22	27%	50%	189	34%	30%
3 Bed	133	39	26%	30%	19	23%	25%	75	14%	20%
4 Bed	21	16	10%	15%	1	1%	0%	4	1%	
Total	785	152	100%	100%	81	100%	100%	552	100%	100%

- 9.43 Policy DM3 does not set out a need for studio units, but 13% of the market housing would be formed of studios. There is a slight under provision of 1-bedroom units that are effectively replaced by the studio units. Whilst this is not strictly compliant, these are within the market sector where there is more choice for buyers and the development would still provide a significant number of 1-bedroom units. The number of 2-bedroom units in the market housing is broadly compliant with policy and the number of 3-beds is slightly below the preferred unit mix.
- 9.44 Within the intermediate tenure, there is an overprovision of 1-bedroom units and an under provision of 2-bedroom units. The number of 3 and 4 bedroom units is broadly in keeping with the preferred unit mix.
- 9.45 Within the social/ affordable sector, the mix of units is broadly compliant with a slight over provision of 1 and 2-beds and a slight under provision of 3 and 4 bedroom units.
- 9.46 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.

Accessible Housing

- 9.47 The proposed development seeks to provide a total of 78 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 (785). The remaining 707 units will be designed to be adaptable (in accordance with Part M4(2) of the Building Regulations 2015).

- 9.48 The following table outlines the mix of wheelchair units proposed. 55 of the wheelchair accessible units are to be in the form of market units (55x 2-bed), 8 are to be in the form of intermediate units (8 x 2 bed), and 15 are to be in the form of social/affordable rented units (10 x 2 bed and 5 x 3 bed). Ideally there would have been provision of some 4-bedroom wheelchair units and whilst there are no 1-bedroom units, it is recognised there is little demand for 1-bedroom units.
- 9.49 Overall, the provision of wheelchair units is considered acceptable as the 10% requirement is met and the mix includes family sized units in the affordable tenure where there is most demand.

Tenure	1-bed	2-bed	3-bed	4-bed	Total	As a % of Tenure
Market Sector	-	55	-	-	55	10%
Intermediate	-	8	-	-	8	10%
Social/Affordable Rented	-	10	5	-	15	10%

- 9.50 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 707 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.

Housing Quality

- 9.51 The Mayors Housing SPG (2016) sets out a series of design guidance standards. Standard 12 relates to shared circulation and states that each core should be accessible to generally no more than eight units on each floor. The scheme does have some instances of 9 units per core but the general access and design layout avoids convoluted routes and allows for a sense of ownership. All entrances have access to 2 cores with the exception of Block J which has one lift but does not include any wheelchair units and only goes up to sixth floor level. As such, the scheme is broadly compliant with the design guidance and the access arrangements are considered to be acceptable.
- 9.52 Throughout the development over half of units are dual aspect and there are no single aspect north-facing units, 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.
- 9.53 With respect to both the internal floor area and private external amenity area of the proposed units, all 785 proposed units either meet or exceed the standards set out both with the London Plan (2016) and the Tower Hamlets Managing Development Document (2013).
- 9.54 Given the above officers consider the residential quality of the scheme to be high and thus policy compliant.

Daylight and Sunlight Levels for the Development

- 9.55 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.
- 9.56 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.
- 9.57 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.
- 9.58 The applicant's report advises that within the proposed development, 90% of the habitable rooms will meet the BRE criteria for ADF, which equates to 1910 out of the 2126 proposed habitable rooms. Furthermore 93% of properties have a living area meeting or in excess of the 1.5% ADF target for living rooms. In the instances where the guidelines are not met, this is predominantly due to balconies on the upper floors or insets to allow for balconies and in such circumstances, the need for well-lit units is balanced against the need for amenity space.
- 9.59 Based on the above, available daylight within the proposed development can be considered to be very good and broadly compliant with relevant policy.
- 9.60 With respect to sunlight levels within the proposed development, 46% of the windows which face south will meet the BRE criteria for APSH and 59% meet the APSH during winter months. 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. Given that the overall lighting levels are good several of the instances below the BRE criteria are marginal and in those cases where they are below, this is predominantly due to balcony provision, 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.

9.61 The proposed development includes 10 external amenity spaces:

- 1) Riverside walkway (public open space)
- 2) Northern side of central park (public open space inc 0-5 play space)
- 3) Southern side of central park (public open space inc 5-11 and 12+ play space)
- 4) Rooftop space in block D (private communal space)
- 5) Courtyard space in blocks E,F,G (private communal space inc 0-5 play space)
- 6) Rooftop space in blocks E,F,G (private communal space)
- 7) Courtyard space in block I,J, K (private communal space inc 0-5 play space)
- 8) Rooftop space in blocks I,J,K (private communal space)
- 9) Rooftop space in block M (private communal space inc 0-5 play)
- 10) Pocket park north of block M (public open space)



Figure 11- Map showing proposed open spaces including child play space, private communal space, private individual communal space and public open space.

9.62 All of the external amenity areas at ground floor level 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. Given the above officers are content the proposed external amenity spaces can be considered to benefit from acceptable levels of direct sunlight.

Communal Amenity Space

9.63 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 785 residential units, a minimum of 825sqm of communal space is thus required.

- 9.64 As shown within Figure 8 above, Blocks D, E, F, G, I, J, K and M have 3720sqm of private communal amenity space in the forms of rooftop space and courtyard space. The three tower blocks A, B and C do not have private communal amenity space within the block but are surrounded by the riverside walkway and parks which provide 6,725sqm of open space. Given that the blocks further away from the main park space all have access to private communal amenity space significantly in excess of the policy requirement and that Blocks A, B and C will be surrounded by a very large park in excess of the communal amenity space requirements, this arrangement is considered acceptable.
- 9.65 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, will be requested and secured by condition.

Child Play Space

- 9.66 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	107	1070	1100
5-11 Years	86	860	878
Over 12 Years	59	590	590
Total	252	2520	2568

- 9.67 For 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.
- 9.68 As shown in figure 6 above, the majority of the child play space is at grade level within the main open park in the centre of the site. However, some door step play for 0-5 year olds is provided within block M as well as within courtyard blocks E,F,G and I,J, which generate the highest child yields. All of this play space is to be provided externally and will be embedded into the landscaping of the relevant part of the site.
- 9.69 The proposed scheme would meet the quantum for all child play space including for older children and would also deliver a generous park and riverside walkway surrounding these spaces. This, along with the location of the doorstep play has been carefully considered and officers are satisfied with

quantum, location and design. 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

- 9.70 The proposal provides a policy compliant 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

- 9.71 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”*.
- 9.72 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).
- 9.73 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”*.
- 9.74 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).

Site Layout

- 9.75 The application site is located between the A12 and the River Lea. Its southern boundary is formed by Lochnager Street and the north of the site adjoins the allocated waste site. The site allocation identifies key walking/cycling routes along Lochnager Street and the riverside walkway. The position of the commercial frontage along the riverside walkway, at the entrance to the site within block M and along Lochnager Street within block I

further reinforce these routes creating active frontages along the main walkways. As detailed in the highways section, way finding signage would be secured through a section 106 to further establish walking and cycling routes.

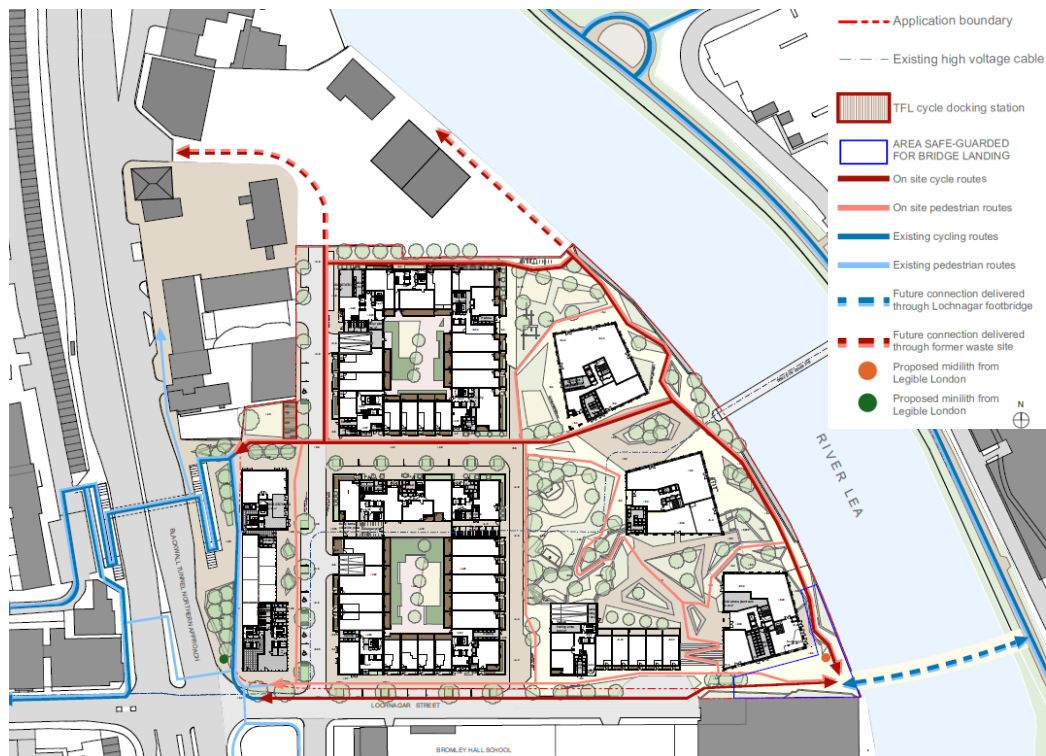


Figure 12- Map showing existing and proposed pedestrian/ cycle links

- 9.76 The building positions have been informed by the key routes, the need to provide a riverside walkway and a substantial area of open space as well as the need to maximise east- west facing units to optimise daylight/ sunlight.
- 9.77 Lochnager Street and the south west corner of the site forms the entrance to the site and the Design Statement informs that as a result, a more distinctive building has been designed to mark the route along Lochnager Street and to the park via the more northerly east-west route.
- 9.78 Buildings within the centre of the site establish the 'shoulder' height for development with mid-rise buildings arranged in a more formal pattern of streets and squares that also frame the park to the east.
- 9.79 The riverside environment provides an opportunity for activating the waterfront and providing more height where there is likely to be less amenity impact. The buildings rise in height from north to south to mark the significance of the potential pedestrian/ river crossing at the end of Lochnager Street, which this application safeguards the landing for (but the bridge itself would be subject to a separate planning application).
- 9.80 Officers consider that the proposed site layout as well as the layout of buildings is successful in the way that the building responds to the existing and proposed context, enhances movement through the site, and also provides a development which maximises residential quality for its future occupants.

Height, Scale and Massing

- 9.81 As shown in Figure 5 below, the proposed scheme comprises a series of thirteen blocks of residential and mixed use development ranging from 3-17 storeys in height. The three riverside buildings will increase in height from north to south starting with 13 storeys (Block C); 15 storeys (Block B) to 17 storeys (Block A). There is also a part 7, part 8, part 10 storey building (Block M) which fronts on to the A12.
- 9.82 Two courtyard blocks ranging from 3-8 storeys are positioned in the centre of the site, the most northerly contains blocks E, F and G and the southerly contains blocks I, J and K. The southern element of each of these blocks comprises a row of 3 storey terrace houses. A further residential block is positioned to the south of the site fronting Lochnager Street (Block D) and this would be part 6 storeys, part 8 storeys in height.

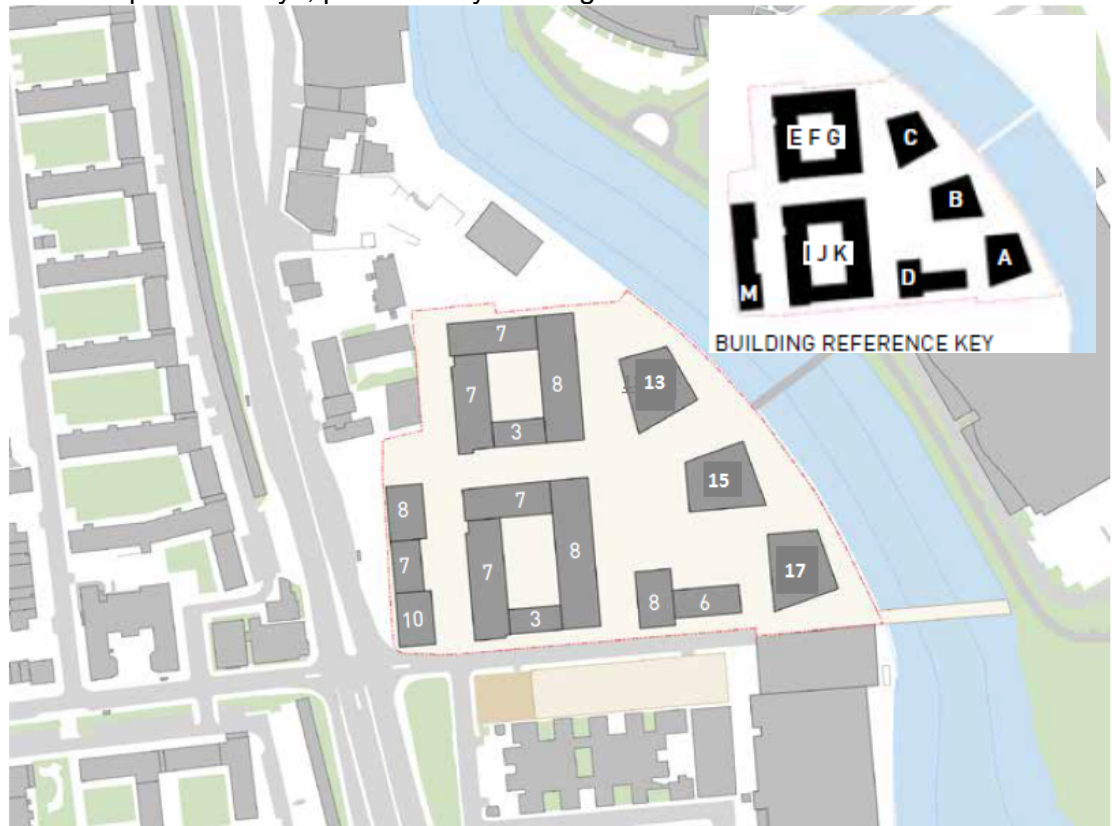


Figure 13- Map showing proposed buildings and respective height

- 9.83 In terms of the appropriateness of the proposed height and scale for this location, Policy DM26, sets out that buildings heights will be considered in accordance with the town centre hierarchy. The policy also sets out a range of other criteria for tall buildings including:
- high quality architectural design;
 - providing a positive contribution to the skyline;
 - not adversely impacting heritage assets or strategic and local views;
 - presenting a human scale of development at street level;
 - inclusion of high quality open space;
 - not adversely impacting microclimate;
 - not adversely impacting biodiversity;

- providing positive social and economic benefits and contributing to socially balanced and inclusive communities;
 - complying with civil aviation requirements not interfering with radio/ telecommunications equipment.
- 9.84 Whilst the site is not positioned within one of the boroughs activity areas or town centre designations, the site is positioned within an opportunity area and within a mixed-use, housing led strategic site allocation. By virtue of the size of the site, the site itself sets its own context and there is a hierarchy of heights within the site; the towers are located to the east ascending in height to mark the potential bridge location; the 3-8 storey courtyard blocks are positioned centrally adjacent to the park and backing on to the 2-6 storey buildings at Gillender Street and; the entrance to the site at the south west corner is marked by the 10 storey block M.
- 9.85 Whilst the prevailing heights in the surrounding area are predominantly 2-4 storeys there are examples of tall buildings, Lime Key and the Lockkeepers site at 18 Gillender Street (both to the north) are 13 storeys in height. Furthermore, Leven Road, Devon Wharf and Leven Wharf are 8, 11 and 10 storeys respectively.
- 9.86 Given the large size of the site and the vast areas of open space surrounding the tall buildings, the high quality of residential units, the fact that the scheme does not give rise to any material harm to the amenity of existing surrounding properties (see 'amenity' section of report), combined with the fact that the proposal would mark the entrance to the site and the river walkway, the proposed mass and height is considered to be acceptable. Furthermore, the submitted views assessment 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 (see 'heritage considerations' section below).
- 9.87 London City Airport and National Air Traffic Services have reviewed the submission and neither raised safeguarding objections to the proposal. 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

- 9.88 Given the size of the site and the need to respond to specific conditions arising at areas within the site, a series of façade treatments have been utilised.
- 9.89 Building M, located adjacent to the A12 is constructed predominantly of brick on the north, south and east elevations to tie in with the rest of the development. However, the western façade has a specific design to respond to the main road. The layouts have been arranged so that the majority of the space fronting on the A12 is access cores and corridors. In front of the corridors, there is a secondary layer of glazing that, along with the mechanical ventilation system and tree planting along the street, will moderate noise and pollution of the main road. The distinctive terracotta framed screen with aluminium fin treatment will add a design feature, providing a marker for the entrance to the site and will also maintain privacy for future occupants. The verticality of the screen unites the commercial floors with the residential uses

on the upper floors whilst maintaining a distinct separation between the two uses.



Figure 14- Image showing eastern elevation of Block M

9.90 The mid-rise courtyard buildings in the centre of the site will comprise solid brickwork with simple detailing and a less formal arrangement of “punched” openings for windows. Initially officers raised concerns with the level of simplicity as it was considered the elevations may appear blank and hostile. In response, the drawings have been updated with areas of patterned brickwork, additional windows or recessed brickwork and the tops of buildings and entrances have been designed with frames or patterned brickwork to add visual interest. On external facades, balconies are inset so as not to clutter street facades whereas within the courtyards they are external to maximise views beyond the development. Within block I which sits within the southern courtyard block, there is a small retail unit marked with a fascia and floor length glazing. The commercial character is defined, yet is incorporated to the wider building and would provide a valuable local amenity for future residents along the key route on Lochnager Street.

9.91 The three storey maisonettes on the southern row of each courtyard block are subtly differentiated with contrasting brickwork, reading as a plinth and this emphasises the relationship with the public realm and creates a more human scale at street level.



Figure 15- Image showing southern elevation of Block IJK

9.92 Building D is similar in design and appearance to the courtyard blocks, with maisonettes forming the lower floors and flats on the upper floors marked with a setback building line. The eastern elevation is vertically emphasised with long narrow windows and patterned brickwork visible along the key walking route from the riverside walkway / potential pedestrian bridge, westwards along Lochnager Street.



Figure 16- Image showing southern elevation of Block D

9.93 The proposed towers referenced as buildings A (17 storeys), B (15 storeys) and C (13 storeys) are constructed on charcoal grey brickwork with contrasting lighter and darker tones, complimented by textured, reconstituted stone side panels. Floors are identified by alternate treatments of recessed brick panels and white ceramic panels. The double height treatment at ground floor level emphasised by the contrasting colours accentuates the reading of verticality.

9.94 The top 4 floors of each building will be constructed of a lighter grey brick and will terminate with a ceramic panel frame which acts as a cornice and also wraps around the corner of each building.

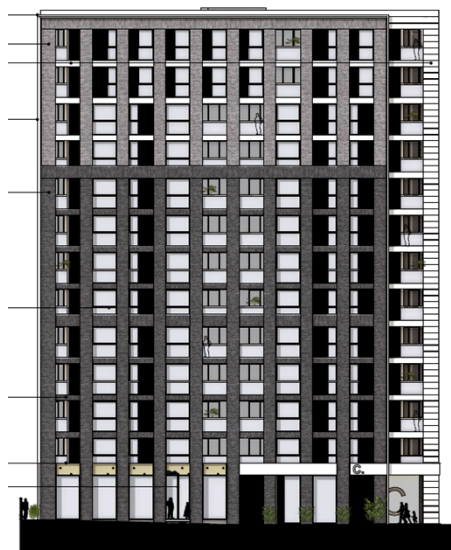


Figure 17- Image showing western elevation of Block C

- 9.95 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. Officers have reviewed physical sample panels of the proposed materials and are satisfied that these will result in a high quality finish. However, given that the precise specification will depend on sourcing at the time of construction, a condition requiring the submission of material samples and detailed technical drawings of key junctions will be included.

Landscaping

- 9.96 The proposed development seeks to provide extensive areas of new landscaping and public realm, including 6725sqm of public open space that would comprise a large park in the centre of the site, a riverside walkway and a pocket park to the north of block M.
- 9.97 The central park integrates changes in land level through the use of steps and seats in the landscape whilst also maintaining a clear 1:20 gradient route for wheelchair users. The space includes sculptures, seating, planting and green terraces that accommodate the land level change. A range of play equipment is also incorporated including a half basketball pitch, table tennis tables, swings, a climbing wall and play circles and squares. The accompanying landscape statement shows examples of the equipment to be installed.
- 9.98 The riverside walkway includes a range of planting and living river walls. Seating overlooking the river is incorporated in to a series of raised planters that run the extent of the walkway.

The pocket park to the north of block M will include a cycle hire docking station and an area of seating and soft landscaping including planting.

- 9.99 Surface materials will define the key routes throughout the site and also denote the vehicular routes from the pedestrian routes. Lochnager Street will be repaved to mark the entrance in to the site and to further strengthen the routes in to and within the site. Details of paving materials are included within the site but the final materials and detailing will be secured via condition and the section 278 agreement for works to Lochnager Street and the A12.
- 9.100 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 Lochnager Street and connecting routes.

Secure by Design

- 9.101 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.

Heritage Considerations

- 9.102 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.
- 9.103 The application site itself does not fall within a conservation area or contain any listed buildings nor does the building fall within any strategic viewpoints. However, the Limehouse Cut Conservation Area is positioned closest to the north west of the site with the Balfron Tower Conservation Area and Langdon Park Conservation Area further away to the south. The nearest Listed Buildings are the Grade II Listed Bromley Hall School on the opposite side of Lochnager Street, the Grade II Listed Old Poplar Library at 45 Gillender Street, the Grade II* Listed Bromley Hall and the Grade II Listed former fire station at 25-37 Gillender Street. The site also falls within an Archaeological Priority Area.
- 9.104 In terms of the impact on the character of the Limehouse Cut Conservation Area, whilst the proposed scheme would be visible in views from the A12, looking across the south-east corner of the Conservation Area, the scheme would be most prominent in the conservation area in views south from the Grade II listed Twelvetrees Crescent Bridge which overlooks the Limehouse Cut Conservation Area to the south. From here the three tall buildings would be clearly visible, as would the upper parts of Blocks G (8 storeys), F (7storeys) and the 8 and 10 storey elements of Block M. The proposed brick buildings, with the courtyard buildings taking a more solid traditional approach in terms of their facades, will be a high quality addition to the view. The frames of the taller buildings will become more slender and 'lighter' towards the top of the buildings. Whilst the grade II listed Carradale House will be screened from view, the Grade II* Listed Balfron Tower will remain visible beyond the proposed scheme.
- 9.105 The southern boundary of the conservation area and the listed buildings including the Grade II* Listed Bromley Hall in the vicinity of the scheme abuts the north-western edge of the site. The proposed scheme will be seen as part of the settings of these buildings within the conservation area and would represent an enhancement to their settings in comparison to the existing low-grade townscape of the site.
- 9.106 Specifically in relation to the Grade II* Listed Bromley Hall building as well as the Grade II Listed former fire station and Old Poplar Library, a number of taller buildings will be visible in the setting of these assets, particularly when looking north and south along the A12. The scheme has been designed to respond to the more sensitive elements of their context, stepping up towards the River Lea and down towards the buildings on Gillender Street. Block M is separated from Bromley Hall by Old Poplar Library and the new build to its south. Block M has been carefully designed to relate to the adjacent buildings – its north façade being constructed of brick – whilst providing a townscape timber-clad marker to the new residential development behind at the corner location on Lochnagar Street. Overall it is considered the scheme will be a sensitive addition to the setting of these Listed Buildings.

- 9.107 Similarly, in relation to the Grade II Listed Bromley Hall School, whilst a significant piece of new development is introduced on the opposite (northern) side of Lochnagar Street, it is recognised that the school is well enclosed by its high boundary wall and is inward looking. The changes within the setting are substantial enhancement in comparison to the existing low grade townscape of the site. The scheme provides good quality street frontage to Lochnagar Street and buildings of an appropriate scale are positive new elements within the wider area.
- 9.108 In terms of impacts on the Balfron Tower Conservation Area and Listed Buildings within in, the proposed scheme would be visible together with Balfron tower and to a lesser extent it would be seen with Carradale House and Glenkerry House. From the A12, adjacent to the Balfron Tower conservation area looking north, and from Jolly's Green looking north-east the majority of the blocks would be visible.
- 9.109 The taller residential blocks have been designed to step down and are substantially lower (at a maximum of 17 storeys) than Balfron Tower (27 storeys). The scheme would not compete with the skyline interest of the tower. Furthermore, there are numerous tall buildings within the setting of the conservation area, including at Canary Wharf. Given this existing context, the proposed development would introduce a low nature of change to the setting of the Balfron Tower conservation area.
- 9.110 In terms of the impact on the Langdon Park Conservation area, the upper elements of Blocks B and M would be visible from Langdon Park with just the very corners of Block A visible beyond the pitched roof of the church. These would be seen beyond intervening development and trees and in the context of St. Michael's Church. The careful consideration given to their orientation and effect as a group of Blocks A, B and M ensures the proposal is a high quality new addition to the view. The introduction of the scheme within the varied setting of the conservation area would be acceptable. There would be a low nature of change to the settings of the Conservation Area and the Listed Building within it.
- 9.111 To conclude, the proposal would not have an adverse impact upon the setting of the adjacent Conservation Areas or Listed Buildings and this is supported by the GLA and Historic England.

Conclusion

- 9.112 Officers consider that the proposed design of the scheme is acceptable in terms of its impact on 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

- 9.113 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.

- 9.114 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”*.
- 9.115 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)”*.
- 9.116 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

- 9.117 The closest residential properties are those at 45 Gillender Street and Katharine Court to the northwest corner of the site. With the exception of one east facing window on the 45 Gillender Street development, none of the windows would look on to the site. The single window is approximately 16m from the building line of block E within the courtyard block, ideally this would be 18m but given that there is just one window and there is still a substantial distance, this would be acceptable. The next closest facing windows are those on the eastern elevation of Katharine Court some 35m from block E. Block M is set back eastwards from Katharine court and thus there would be no windows facing one another. Given the significant distance from neighbouring properties, there would be no material harm caused in terms of overlooking, loss of privacy and/ or sense of enclosure.
- 9.118 Within the development itself, there is a minimum of 18m distance between courtyard blocks that back on to each other and this distance is maintained between all blocks within the site. Blocks D and A are approximately 16m apart but the eastern elevation of block D has been designed with long thin glazing that lets light in but restricts outlook, relying on the windows in the north and south elevations for outlook. Therefore, given the 16m distance and restricted outlook, it is not considered this would give rise to any material harm in terms of overlooking / privacy nor sense of enclosure.

Daylight and Sunlight Impacts for Neighbours

- 9.119 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.

9.120 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.

9.121 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:

- Katherine Court
- 45 Gillender Street
- 2-22 (even) Leven Road
- 40 Leven Road
- 90-152 Teviot Street
- 164-224 Teviot Street

NB: There are no neighbouring gardens or areas of amenity space which require assessment in terms of sunlight on ground.

9.122 The table below summarises the number of windows tested within each property and how many of these meet the BRE guidelines for daylight (ie being 0.8 times the former value of the existing VSC level).

	No of windows tested	No of windows that comply with BRE guidelines for daylight
Katherine Court	32	21
45 Gillender Street	16	13
2-22 (even) Leven Road	28	28
40 Leven Road	4	4
90-152 Teviot Street	36	32
164-224 Teviot Street	16	12

9.123 For Katharine Court, 11 windows do not meet the guidelines but 8 of the resulting VSC levels are just marginally outside the guidelines and would still

be fairly typical within an urban context. The remaining 3 windows that see moderate loss of light are caused by virtue of balconies within the Katharine Court development.

9.124 Similarly, for the 3 windows at Gillender Street, 4 windows at 90-152 Teviot Street and 4 windows at 164-224 Teviot Street, the resultant VSC levels are just marginally outside the guidelines and are considered acceptable in this urban location.

9.125 The table below summarises the number of windows (within 90 degrees due south) tested for sunlight within each property and how many of these meet the guidelines for Annual Probable Sunlight Hours (ASPH) annually and during winter months.

	No of windows tested	No of windows that comply with BRE (Annual ASPH)	No of windows that comply with BRE (Winter ASPH)
Katherine Court	28	27	28
45 Gillender Street	15	15	15
2-22 (even) Leven Road	0	-	-
40 Leven Road	0	-	-
90-152 Teviot Street	0	-	-
164-224 Teviot Street	0	-	-

9.126 The results of the sunlight assessment again demonstrate that 42 of the 43 windows serving neighbouring residential properties which require assessment will comply with the BRE guide levels for annual sunlight with the development in place (97.7% compliance). All of these windows will achieve the guide levels for winter sunlight. A single window serving Katherine court will experience a marginal breach of the guidance for annual sunlight. This is an isolated impact and can be defined as a minor adverse effect.

Noise Impact

9.127 A noise assessment accompanies the application which takes in to account the impacts of the A12 and also takes in to account the potential for activity on the safeguarded waste site. The submitted reports conclude that through the provision of appropriate glazing and ventilation, suitable levels of noise for the proposed residential uses would be achieved.

9.128 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. A condition requiring testing to demonstrate compliance with such noise limits will be imposed in the event that planning permission was to be granted.

9.129 In terms of hours of operation, the applicant would be required to submit a management plan detailing the required hours of operation for the A3 and D2 elements of the scheme. With the inclusion of a condition requesting this

information, it is not considered that that the commercial elements would give rise to unacceptable levels of noise/ disturbance.

Construction Impacts

- 9.130 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 the A12 will continue safe operation, 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.

Conclusion

- 9.131 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

- 9.132 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.
- 9.133 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.
- 9.134 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”.
- 9.135 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”.

Trip generation

Vehicle Trips	Weekday AM Peak (0800-0900)			Weekday PM Peak (1700-1800)		
	Arr	Dep	Tot	Arr	Dep	Tot
Existing Site	13	18	31	6	21	27
Proposed Development	11	64	74	37	23	58
Net Change	-2	+46	+43	+31	+2	+33

9.136 As can be seen from the table above, the data indicates that the proposed development will result in an additional 43 and 33 two-way vehicle trips during the AM and PM peak periods respectively. The impacts on the junction of the A12/ Lochnager Street/ Zetland Street have been tested and the level of development traffic is shown to have a minimal impact on the operation of the junction. Highways have stated that the junction at Bromley Hall Road/ Ailsa Street should be open between the hours of 08.30- 09.30 and 15:00-16:00 Monday- Friday to prevent any dangerous manoeuvres on Lochnager Street/ the southern side of Bromley Hall Road should Bromley Hall School come back in to use, resulting in school drop offs/ pickups. This would be secured through section 106 should planning permission be granted.

9.137 In terms of the impact on public transport, the Transport Assessment data show that there will be a maximum of 9 additional passengers per bus during the AM peak. As such, the impact of the proposed development is considered to be negligible. The Transport Assessment also shows that for both the London Underground and the DLR, there are anticipated to be an additional 167 two-way trips during the AM peak and an additional 138 during the PM peak. When these are distributed across the peak hours, this equates to between 1 and 4 additional passengers per train. As such, it is considered that the impact of the proposed development on the LUL network and DLR is negligible.

Alterations to highway

9.138 The proposed development includes alterations to the public highway to allow for a new vehicular route on Ailsa Street and to widen Lochnager Street so it can connect to the potential future bridge link. Vehicular traffic will enter the site via Lochnager Street. Lochnager Street will continue to operate with two-way traffic but Ailsa Street will be accessed in a one-way northbound direction (from near the junction with the A12) to reduce queuing on to Lochnager Street near its junction with A12. These changes along with new dropped kerbs, resurfacing and public realm works along Ailsa Street, Lochnager Street and the A12 will be the subject of a Section 278 agreement.

9.139 The council would adopt a wider area of Lochnager Street so that the secured bridge landing would connect to highways adopted road. This would also allow the council to adopt the wider footway on Lochnager Street. This arrangement would be secured via the 106 agreement. A separate stopping

up order outside of the planning process would take place for the developer to adopt Ailsa Street and the part of Bromley Hall Road within the site boundary.



Figure 18- Plan showing highways to be adopted/ stopped up and safeguarded bridge landing area

9.140 As outlined within the ‘site layout’ section of the report, the proposal seeks to establish key pedestrian/ cycle links throughout the site and beyond this. Figure 16 below highlights the permeability through the site for pedestrians and cyclists and emphasises key north-south and east-west links that could be established should the pedestrian bridge or sites to the north and south come forward for development.

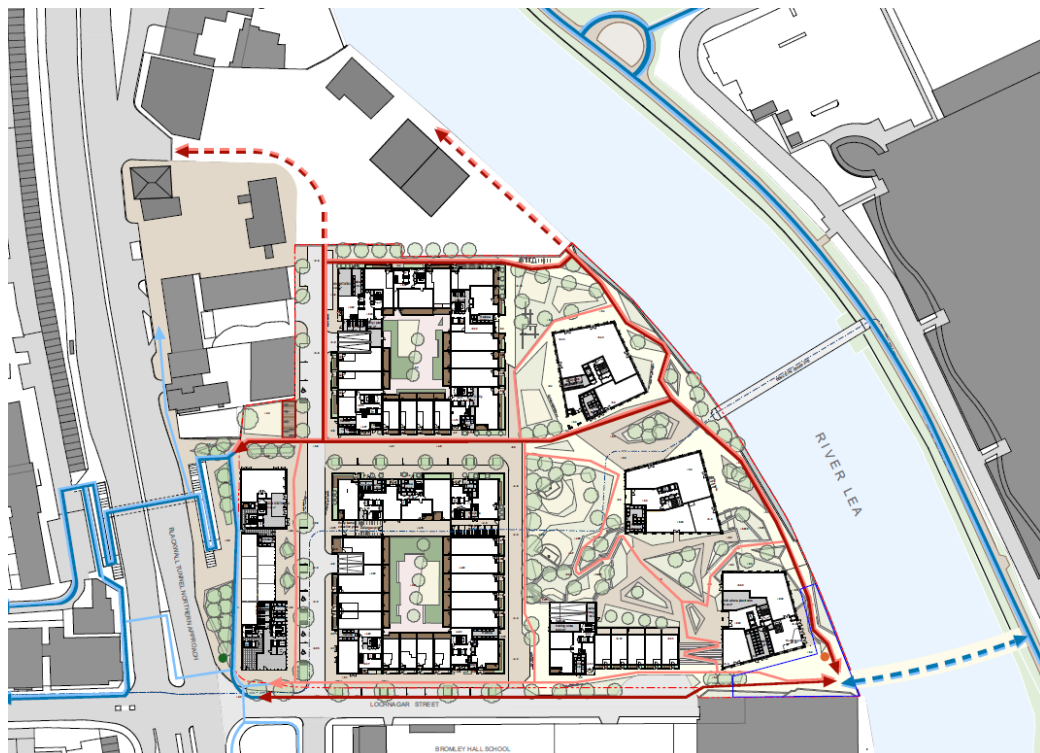


Figure 19- Map showing existing and proposed pedestrian/ cycle links

9.141 The applicant has also agreed to pay a financial contribution to Legible London wayfinding signage to be installed by Transport for London. Indicative

locations for the signage have been agreed with TfL as shown in Figure 17 below. The new routes and signage would increase legibility and permeability for pedestrians and cyclists.

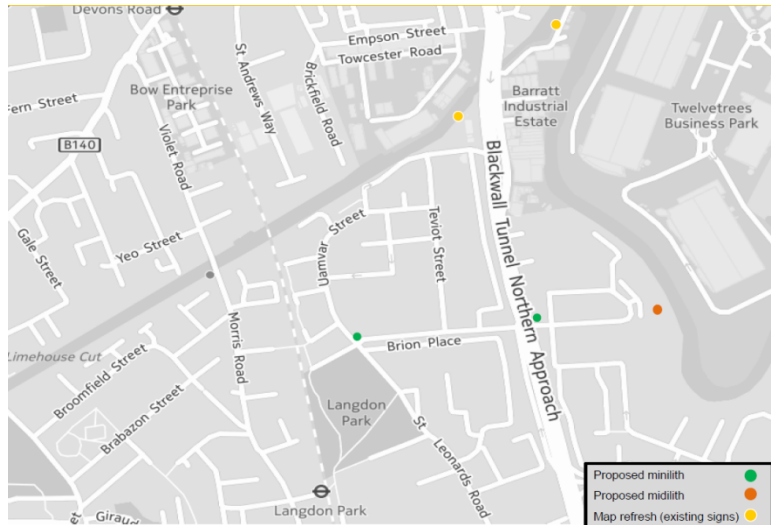


Figure 20- Map showing indicative locations for legible London signage

- 9.142 Officers consider that the alterations to the public highway network 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.

Car parking

- 9.143 The proposal will result in 205 residential car parking spaces which is below the maximum level of car parking set out in the London Plan standards for an area with a Public Transport Accessibility Location (PTAL) of 1-3. 79 of the 205 spaces will be blue badge spaces for wheelchair users.
- 9.144 Electric vehicle charging points (EVCPs) will be provided in accordance with the London plan standards (20% active EVCPs and 20% passive EVCPs will be provided).

Cycle parking

- 9.145 The development proposes to provide a total of 1,322 spaces for residents at basement and ground floor level in a number of secure cycle stores, which is above London Plan requirements. A total of 58 external short-stay spaces are provided for resident visitors.
- 9.146 The development proposes to provide 42 internal long-stay cycle spaces for staff and 56 external short-stay cycle spaces for visitors of the commercial uses. In total the scheme would comprise 1420 cycle spaces (1,306 internal long-stay spaces and 114 external short-stay spaces) will be provided, which is significantly more than what is required. Details of the design of the layout and design of cycle storage would be subject to condition.

9.147 In addition to the above, the applicant has also agreed to install a cycle docking station to the north west of the site within the pocket park area. This would accommodate up to 20 cycles.

Use	London Plan Requirement			Proposed		
	Long-Stay	Short-Stay	Total	Long-Stay	Short-Stay	Total
Residential	1208	20	1228	1264	58	1322
Commercial	22	11	33	42	56	98
Total	1230	31	1261	1306	114	1420

Deliveries and Servicing

9.148 The proposed site layout has been designed to ensure that refuse and delivery service vehicles are able to access the full extent of the site and that refuse stores are located within 10m collection vehicles. Tracking diagrams have been submitted and demonstrate that sufficient space has been provided to allow the refuse collection vehicle to turn within the site, ensuring that the vehicle does not have to reverse along internal roads.

9.149 Servicing and loading will be undertaken from the following four key locations within the proposed development site:

- Lochnagar Street – One loading bay to be located adjacent to residential units situated within the southeast corner of the site.
- Bromley Hall Road – Two loading bays serving the commercial/retail plot to the southwest of corner of the site and the residential units/refuse areas towards the northwest corner of the site respectively.
- Adjacent to River Lea – A loading area will be located towards the eastern perimeter of the site serving Phase 1 of the development.

9.150 All loading bays will be appropriately signed to ensure they are only used by service /delivery vehicles.

Conclusion

9.151 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

9.152 Policy 5.17 of the London Plan (2016) states that development proposals should be “minimising waste and achieving high reuse and recycling performance”.

9.153 The Council’s Core Strategy policy SP05 (1) states that development should “implement the waste management hierarchy of reduce, reuse and recycle”.

9.154 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

9.155 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

9.156 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	97,000	166,100
Dry Recyclables	50,600	
Food Waste	17,600	
Total	165,200	

The submitted documents demonstrate that the bin storage areas can accommodate 151 1100L bins. The breakdown of the waste and the layouts of the bin storage areas would be agreed via a condition requesting a waste management strategy. Subject to the inclusion of this condition, Officers are satisfied that the space and layout would allow for sufficient storage, access and management arrangements and thus would comply with the relevant policy.

Energy Efficiency and Sustainability

Policy Context

9.157 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.

- 9.158 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”*.
- 9.159 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”*.
- 9.160 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

- 9.161 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.
- 9.162 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. These measures have led to the scheme achieving a 45% reduction in CO2 emissions against the Building Regulations 2013 and thus the proposal is compliant with policy. 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.
- 9.163 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.

- 9.164 The submitted sustainability statement shows that the proposed commercial units have been designed to be BREEAM 'Excellent.' 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.
- 9.165 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

- 9.166 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"*.
- 9.167 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"*.
- 9.168 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.
- 9.169 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”.

- 9.170 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

- 9.171 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

- 9.172 The Air Quality section of the ES shows that the proposed development lies in an area of poor air quality, exceeding the annual NO₂ objective. Therefore mitigation is required to reduce the pollution levels for the future residents, at all facades where the air quality objective is exceeded. Mechanical ventilation has been proposed to provide the residents with cleaner air. In line with the Environmental Health officers comments, should permission be granted a condition would be attached requiring details of the mitigation including the location of the air inlets, which should be located in an area of less polluted air (at roof level and away from the CHP flue).
- 9.173 Furthermore, a condition would also be attached to ensure all energy plant used would meet the emissions standards set out in the GLA’s ‘Sustainable Design and Construction SPG’.
- 9.174 With regard to the construction phase, the submitted demolition/construction assessment is considered accepted providing that the mitigation measures stated in the report are instigated at the development throughout the duration of construction. This will be secured via condition and the Construction Environment Management Plan condition will also be required to detail how the potential air quality effects will be mitigated and monitored in line with the ‘The Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance 2014’ and the ‘Tower Hamlets Code of

Construction practice.' Subject to the abovementioned conditions, the proposal complies with the relevant policy.

Biodiversity

- 9.175 The application site is immediately adjacent to the River Lea, a Site of Metropolitan Importance for Nature Conservation. The site is of value for water birds and foraging bats, which could be adversely affected by the development. Birds could be affected by noise, both during construction and operation of the development, and by the presence of people adjacent to the river. Bats would be adversely impacted by any increase in lighting levels on the river.
- 9.176 The biodiversity officer has noted the existing buildings on site have the potential to support nesting birds possibly including black redstarts. Given that these are a schedule 1 species, a condition requesting a survey to be carried out if demolition is in nesting season (April-August) will be attached
- 9.177 In relation to bats, riverside trees would represent a significant enhancement of foraging habitat for bats, but not if they are to be illuminated, and no illumination should be directed at treelines near the river. The Lighting Strategy states that the riverside walk will have low-level, directional lighting. This will avoid adverse impacts on bats and other wildlife using the creek and the strategy would be secured by condition.
- 9.178 The invasive Japanese knotweed occurs on the site. A strategy for safe and legal eradication and disposal of Japanese knotweed would be secured by condition.
- 9.179 Overall, the proposals include numerous features which would enhance biodiversity and contribute to Local Biodiversity Action Plan (LBAP) targets. The landscaping is designed with biodiversity as one of the main drivers. Ground-level landscaping includes new wetland planting, meadows, native shrubs and native trees, as well as nectar-rich ornamental planting, all of which will benefit wildlife and many of which will contribute to LBAP targets. Two types of biodiverse green roofs are proposed over large parts of the roof area. Nest boxes and bat boxes are also proposed. The detail of all biodiversity enhancements would be subject to a condition should planning permission be granted.
- 9.180 Subject to the inclusion of the abovementioned conditions, the proposals would enhance biodiversity on site and thus the proposal would comply with the relevant policy.

Contaminated Land

- 9.181 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

- 9.182 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.
- 9.183 The submitted Flood Risk Assessment details that the flood defences on site are condition grade 3. This is below the target condition grade of 2 for the tidal extent of the Thames in London. A scheme of remedial works including an indicative design of the new river wall and intertidal terraces has been agreed with the Environment Agency and detailed information would be secured by condition. With this in place, the flood defences would be sufficient for the proposed development.
- 9.184 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), 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

- 9.185 A Wind Microclimate Assessment has been submitted as part of the ES including wind tunnel results of the proposed scheme in the context of existing surrounding environment and a cumulative scenario. The results are presented in terms of the Lawson Comfort Criteria which identifies comfort categories suitable for different activities, as well as in terms of the likely occurrence of strong gusts of wind which could be a threat to safety.
- 9.186 With respect to safety, based on annual safety ratings, all locations are safe for all users. With respect to comfort, generally leisure walking is desired on pedestrian routes during the windiest season, standing/entrance conditions at main entrances and drop off areas throughout the year and sitting conditions at outdoor sitting and amenity areas during the summer season when these areas are likely to be used the most often.
- 9.187 Entrance locations have been amended during the planning application, to ensure that they are positioned in locations with appropriate wind conditions. In the summer seasons, the results show that the majority of the site is suitable for 'long term sitting' or 'short term sitting'. This is considered to be acceptable.
- 9.188 There are a small number of ground floor locations where these conditions slightly windier than desired. As such, a planning condition is included that will ensure that no formal seating is positioned in these locations. Mitigation measures are required to achieve suitable conditions. These measures are included within the approved plans, which will ensure their implementation. Subject to the inclusion of these conditions, the scheme complies with the relevant policy.

SUDS

- 9.189 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. These measures would reduce the surface water discharge rate to the sewers by 50%, compared to the existing situation.
- 9.190 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

- 9.191 Given the scale of the proposed development, 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

- 9.192 Overall the number of trees being planted far exceeds those lost. On this basis, the arboricultural officer considers that the landscaping proposals mitigate for loss in 'tree cover'. The number, location and type of the proposed trees are considered to be suitable.
- 9.193 Officers have requested additional tree planting along the A12 to help mitigate pollution impacts and thus improve residential quality for the occupants of block M. This land is owned by TfL but indicative plans have been produced and tree planting in the location and along Lochager Street will be secured through a Section 278 agreement.

Conclusion

- 9.194 Officers consider that the proposal is acceptable in archaeology, air quality, biodiversity, contaminated land, flood risk, microclimate, 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

- 9.195 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 September 2016 accompanied by an Environmental Statement (ES) produced by Nathaniel Lichfield and Partners.

- 9.196 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).
- 9.197 The ES assesses the environmental effects of the development under the following topics:
- Townscape and Visual Effects;
 - Ground Conditions and Contamination;
 - Water Environment;
 - Transport;
 - Noise and Vibration;
 - Air Quality;
 - Socio-Economics;
 - Daylight and Sunlight;
 - Micro-climate and Wind;
 - Archaeology;
 - Heritage;
 - Ecology; and
 - Cumulative Effects.
- 9.198 In addition, the Applicant submitted 'further information' under Regulation 22 of the 2011 EIA Regulations, which was processed as required under the regulations.
- 9.199 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.
- 9.200 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.
- 9.201 The EIA consultants and EIA Officer have confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.
- 9.202 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.

Consideration of Impact of safeguarded waste site

- 9.203 The Council requested that the Safeguarded Wharf site to the north of the Ailsa Wharf be assessed within the EIA. Whilst the site is currently vacant, it is important to understand these effects, given that this land is safeguarded for this use in both the Council's current Local Plan and the draft Local Plan currently out for consultation.
- 9.204 The assessment was therefore based on reasonable assumptions on what could be developed on this site. The basis of this assessment was reviewed by the Council's waste consultants, who confirmed that the assumptions made were reasonable.
- 9.205 With respect to transport, the assessment concluded that the level of trips required would be spread throughout the day and the level of traffic impact in the peak periods would be minimal. This would have no significant impact upon the operation of the local highways network.
- 9.206 The assessment acknowledges that there is the potential for adverse noise effects on the proposed development, although the level of activity is unlikely to significantly increase the ambient noise levels at the proposed receptors within the new development. The assessment recommends that appropriate mitigation measures are secured to ensure that new residents are adequately protected, such as uprated acoustic glazing and alternative means of ventilation.
- 9.207 A suitably worded planning condition is therefore proposed to be attached to the decision notice requiring further assessment to ascertain the specification of the building fabric of the proposed residential development.
- 9.208 Air quality was scoped out of the assessment on the basis of the minimal number of vehicles accessing the site, and the assumption that waste streams would be dealt with inside the building and there would be no external storage.

Impact upon local infrastructure/ facilities

- 9.209 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.
- 9.210 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.
- 9.211 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.

9.212 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

9.213 If permitted and implemented, the proposal would also be subject to the Council's community infrastructure levy.

9.214 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 £1,993,708.

9.215 In addition the development would be liable to the London Mayor's CIL estimated at £2,387,485. The development does not sit within 1km of a proposed Crossrail station and thus would not attract the Mayor's Crossrail levy.

9.216 The applicant has also offered 35% affordable housing by habitable room with a tenure split of 65%/35% in favour of social/affordable rented accommodation (50% Tower Hamlets living rents and 50% 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.

9.217 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 safeguarded area for the bridge landing, 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.

9.218 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	£215, 005
Employment, skills and training to access employment within the final development.	£69, 382
Wayfinding Signage	£28,000
Monitoring	£6,500
Total	£318,887

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

Other Local Finance Considerations

9.220 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.

9.221 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.

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

9.223 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.

9.224 Using the DCLG’s New Homes Bonus Calculator, this development, if approved, would generate in the region of £549, 176 in the first year and a total payment of £2,196,704 over 6 years.

Human Rights Act 1998

9.225 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.

9.226 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

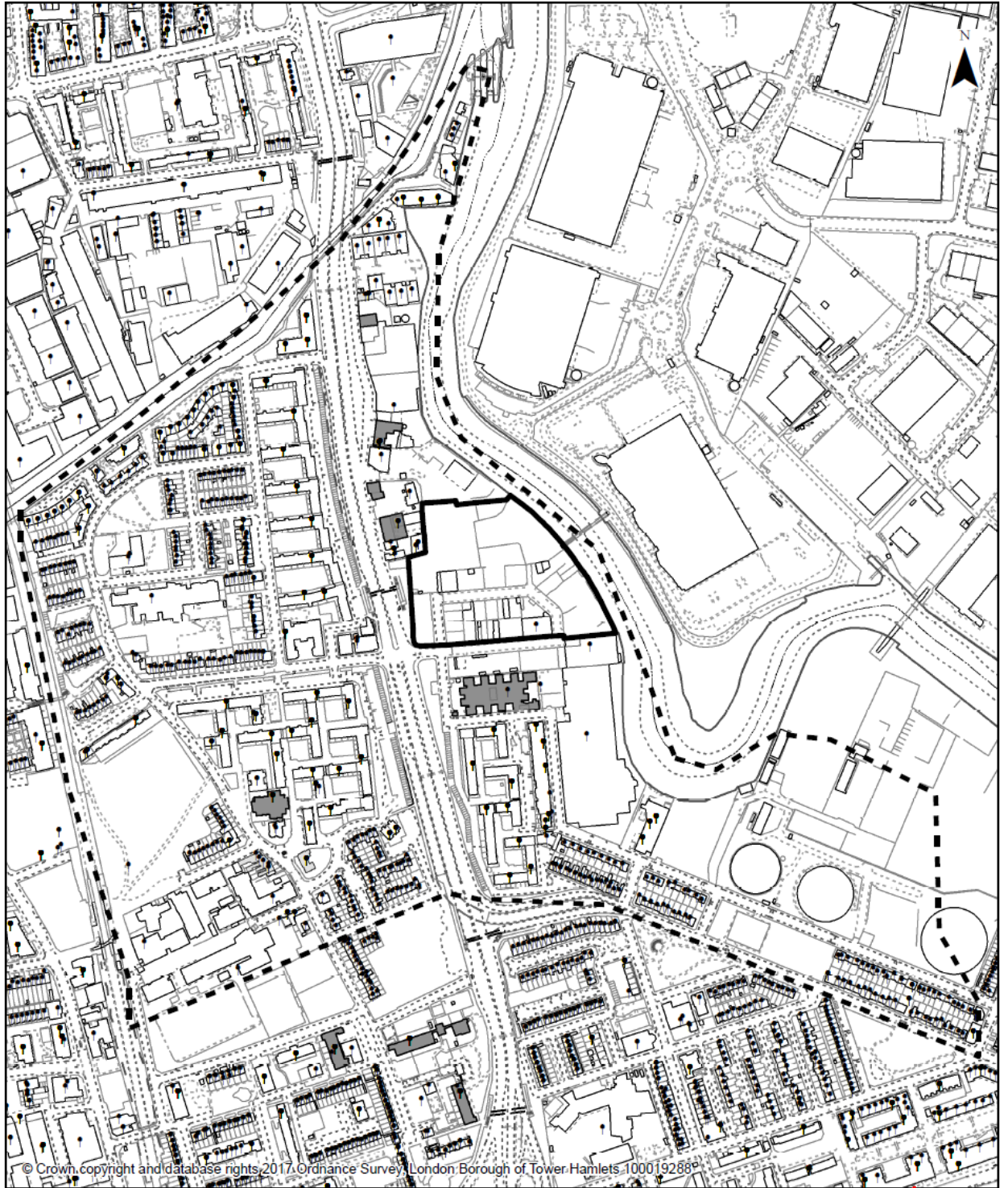
9.227 The Equalities Act provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard 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.

9.228 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.

10.0 CONCLUSION

10.1 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.



Planning Application Site Map PA/16/02692

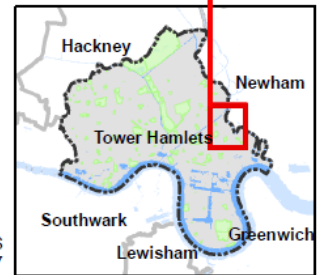
This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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

Scale @ 1:5,000
70 35 0 70 140 210 Meters



GIS for Place Directorate
LONDON BOROUGH OF TOWER HAMLETS
Date: 20/11/2017



Agenda Item 5.2

Committee: Strategic Development	Date: 30 November 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/16/02249
	Ward: Blackwall and Cubitt Town

1.0 APPLICATION DETAILS

Location: Land bound by the East India Dock Basin to the west and Orchard Place to the East

Existing Use: Open space (sui generis)

Proposal: Temporary permission (3 years) for the erection of a 3 storey building comprising of a B1(a) (site office) in conjunction with the construction of the London City Island development, along with various enhancements to East India Dock Basin.

Drawings and documents: Location Plan, LCIP2-RCSL-015-1a, Rev P2
General Arrangement, LCIP2-RCSL-015-1, Rev P6
General Arrangement, LCIP2-RCSL-015-2, Rev P4
General Elevations, LCIP2-RCSL-015-3, Rev P5
General Elevations, LCIP2-RCSL-015-4, Rev P5
General Elevations, LCIP2-RCSL-015-5, Rev P5
Street Scene, LCIP2-RCSL-015-6, Rev P2
Street Scene, LCIP2-RCSL-015-7, Rev P2
Site Plan, LCIP2-RCSL-015-9, Rev P4
Design and Access Statement, Ballymore
East India Dock Improvement Works, Rolfe Judd
Flood Risk Assessment, Waterman, Dated
September 2017
Logistics Plan & Access Arrangements, Ballymore
Planning Statement, Rolfe Judd, Dated 29/08/2017

Applicant: Ecoworld Ballymore London City Island Ltd

Ownership: Lea Valley Regional Park Authority

Historic Building: N/A

Conservation Area: N/A

2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Strategic Development Committee as the proposal involves the creation of a building on Metropolitan Open Land (MOL) with a gross floor space exceeding 100sqm.
- 2.2 This application has been considered against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (2016) and the National Planning Policy Framework and all other material considerations.
- 2.3 This report considers an application for temporary planning permission for a period of 3 years to erect a 3 storey temporary structure comprising 972sqm of Class B1 office floor space to be used as staff accommodation in relation to the adjacent London City Island development.
- 2.4 The development results in the temporary loss of MOL alongside the permanent enhancement of the EIDB which is considered on balance to be acceptable. The provision of temporary employment space in this location to support the delivery of strategic development is also considered acceptable. As such the proposal is considered to be acceptable in land use terms.
- 2.5 The proposed design of the temporary structure is considered to be acceptable in terms of its height, scale and massing, access and layout, appearance and impact on Metropolitan Open Land / the Blue Ribbon Network.
- 2.6 The proposal would not adversely impact the amenity of surrounding residents and building occupiers in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.
- 2.7 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.
- 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 It is considered that the proposal is acceptable in biodiversity, contaminated land, and flood risk terms. The scheme would be liable for neither the Mayor's nor the borough's community infrastructure levy. The proposal is however considered to provide necessary and reasonable planning obligations with respect to improvements and enhancements to the East India Dock Basin.
- 2.10 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) The prior completion of a **legal agreement** to secure the following planning obligations:

Non-Financial Obligations:

1. Improvements and enhancements to the East India Dock Basin to include:

- i. the replacement of wildlife platforms;
- ii. the refurbishment of the Sir Anthony Caro Salome gate;
- iii. additional planting;
- iv. reinvigoration of the north shore and marsh planting;
- v. provision of shelduck boxes;
- vi. additional seating;
- vii. additional signage, and;
- viii. refurbishment of the existing bird watching hides.

b) The Corporate Director of Place's delegated authority to recommend the following conditions and informatives in relation to the following matters:

3.2 Conditions on planning permission

Compliance' Conditions

1. 3 years temporary permission
2. Development to be built in accordance with the approved plans
3. Hours of use
4. Cycle parking
5. Refuse store

3.3 Informatives on planning permission

1. Subject to S.106 agreement

4.0 LOCATION AND PROPOSAL DETAILS

Site and Surroundings

4.1 The application site has an area of approximately 515sqm and is an unoccupied area of hard standing which sits within the eastern corner of East India Dock Basin (EIDB). The site is broadly rectangular in shape and is bounded to the north and west by EIDB, to the south by Orchard Wharf (which is a safeguarded wharf), and to the east by Orchard Place and no's 42-44 Orchard Place, which is a 4/5 storey converted warehouse, now in residential use.



Fig.1 – Application Site Location



Fig.2 – Photograph of Application Site

- 4.2 The EIDB is designated as both Metropolitan Open Land (MOL) and publically accessible open space. The application site also sits within East India Dock Basin Site of Importance for Nature Conservation (SINC), an archaeological priority area, an area of potentially contaminated land, and Flood Risk Zone 3. The application site does not fall within a designated conservation area, and there are no statutory or locally listed buildings within the immediate context of the site.

Proposal

- 4.3 The applicant seeks temporary planning permission for a period of 3 years to erect a 3 storey temporary structure comprising 972sqm of Class B1 office floor space to be used as staff accommodation in relation to the adjacent London City Island development.

- 4.4 The proposed temporary structure would comprise of pre-fabricated cabins finished in white, and would measure 9.15m in height, 36m in length and 9.2m in width.
- 4.5 Ancillary facilities, including covered cycle parking, a smoking shelter and waste storage are also proposed, along with 2.4m high graphic hoardings which would surround the site on its north and west sides.
- 4.6 A number of permanent enhancements to East India Dock Basin (totalling £50,000), including: replacement wildlife platforms; the refurbishment of the gate; additional planting, seating and signage; as well as the refurbishment of the existing bird watching hides, are also proposed and would be secured via a S.106 legal agreement.

Relevant Planning History

Application Site:

- 4.7 PA/99/01257 – Construction of vehicular access and installation of new gates to allow access into the Sanctuary Park at East India Dock Basin. (Permission granted 07/12/1999)
- 4.8 PA/06/01375 – Provision of pedestrian ramps, paths, gates and benches. (Permission granted 28/09/2006)
- 4.9 PA/13/02376 – 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. (Permission granted 04/12/2013)
- 4.10 PA/17/00534 – Relocate the Grade I listed 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. (Permission granted 07/11/2017)
- 4.11 PA/17/00536 (Listed Building Consent) – Relocate the Grade I listed 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. (Permission granted 07/11/2017)

Orchard Wharf:

- 4.12 PA/10/02778 - 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. 1) Outline Application: All matters reserved (except for layout) - Jetty; and Ship to shore conveyor. 2) Full details - Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures and facilities; Associated highway works; Walkway; and Landscaping. (Application withdrawn 15/12/2011)
- 4.13 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. 1) Outline Application: All matters reserved - Jetty; and Ship to shore conveyor. 2) Full details - Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures

and facilities; Associated highway works; Walkway; and Landscaping. (Permission refused 02/10/2012)

Leamouth Peninsula North (London City Island) Site:

- 4.14 PA/10/01864 – Hybrid planning application for the comprehensive redevelopment of the site for mixed-use purposes to provide up to 185,077 sq.m (GEA) of new floor space and up to 1,706 residential units (use class C3) comprising:
- 1) Full planning application for development of Phase 1, at the southern end of the site, comprising buildings G, H, I, J & K, including alterations to existing building N, to provide:
- 537 residential units (use class C3)
 - 5,424sqm of office and flexible business workspace (use class B1)
 - 382sqm retail, financial and professional services, food and drink (use class A1, A2, A3, A4 A5)
 - 1,801sqm of leisure (use class D2)
 - 1,296sqm of community uses (use class D1)
 - 249sqm art gallery (use class D1)
 - 2,390sqm energy centre
 - 275 car parking spaces
- 2) Outline planning application for Phase 2, at the northern end of the site, comprising Buildings A, B, C, D E, F & M (with all matters reserved except for access and layout) and to provide:
- Maximum of 1,169 residential units (use class C3)
 - 2,424sqm of office and flexible business workspace (use class B1)
 - 1,470sqm of retail, financial and professional services, food and drink (use class A1, A2, A3, A4 A5)
 - 1,800sqm of arts and cultural uses floorspace (use class D1)
 - 4,800sqm of educational floorspace (use class D1)
 - Storage and car and cycle parking
 - Formation of a new pedestrian access (river bridge) across the River Lea
 - Formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping and works to the river walls. (Permission granted 28/11/2011)
- 4.15 PA/13/02683 – Application for variation of condition 3, to make minor changes to Buildings J and K, to planning permission reference PA/10/01864/LBTH dated 28/11/2011. The changes include the following:
- Revised elevations and fenestration treatment to Buildings J and K;
 - Removal of residential use at ground and first floor and creation of double height active commercial mixed use space incorporating Leisure (D2) and Management Office (B1) in Building J;
 - Reconfiguration of Leisure (D2) and Management Office (B1) within Building K;
 - Increase in the number of units provided in Building K (134 instead of 112);
 - Revised unit mix for Buildings J and K (12 x Studios, 20 x 1 bed, 34 x 2 beds and 34 x 3 beds in Building J and 20 x Studios, 50 x 1 bed, 51 x 2 beds and 13 x 3 beds in Building K);
 - Reduction in the total number of units provided in Building J (80 instead of 89); and
 - Minor amendments to height and massing of Buildings J and K. (Permission granted 09/07/2014)
- 4.16 PA/14/01655 - Variation of condition no. 3 (approved drawings) of planning permission dated 09/07/2014, ref: PA/13/02683. The changes proposed consist of the following:

Building G: Revised elevation and fenestration treatment; revised building unit mix; 22 studios, 76 one beds, 80 two beds, 26 three beds; minor amendments to the height and massing of the building, including increasing the roof parapet height by approx. 2.5m; and relocation of all affordable units to Block H. Removal of the residential (Class C3) units at the ground and first floor and creation of a double height space for 150 sqm Offices (B1), a 329 sqm Management Office (B1) and 159 sqm of Creative Industry (B1)

Building H: Revised elevation and fenestration treatment; revised building unit mix; 4 studios, 16 one beds, 46 two beds, 51 three beds, 14 four beds, twelve five beds; minor amendments to the height and massing of the building, including a minor reduction in the roof parapet height; removal of 177 sqm Creative Industry (B1) and 249 sqm Arts Gallery (D1) uses and provision of 186 sqm Offices (B1) and 259 Sqm Community Centre (D1)

Building I: Removal of 382 sqm Retail use (A1), 237 sqm Creative Industry (B1) and reduction of B1 office provision from 4,378 to 4,166. Provision of 950 sqm of leisure space (D2) and retention of 7,748 sqm Car Parking.

Building J: Removal of 325 sqm Leisure use (D2) and 229 sqm Management Office use (B1). Provision of 307 sqm of Creative Industry (B1) and 226 sqm of Arts Gallery Space (D1).

Building K: Adjustment to the layout of the ground floor reducing the provision of D2 leisure space from 941 sqm to 801 sqm. Removal of 382 sqm Management office space (B1) and provision of 382 sqm of A1 retail use.

Building N: Reduction in the provision of D1 community centre space from 1,296sqm to 1,037 sqm and retention of 2,390 sqm energy centre. (Permission granted 19/12/2014)

- 4.17 PA/15/02904 - Application for variation of condition nos. 3 (compliance with drawings and details) and 68 (submission of elevation drawings of Building N) of planning permission dated 19/12/2014, ref: PA/14/01655, as updated by planning permission PA/15/01164 dated 08/06/2015. (Permission granted 21/10/2016)
- 4.18 PA/16/01709 - Application for variation of condition nos. 3 (compliance with drawings and details) of planning permission dated 21/10/2016, ref: PA/15/02904. (Currently under determination)
- 4.19 PA/17/01830 – Application of variation of condition no's 3 (Compliance with drawings and details) and 29 (Sustainable design & construction) of Planning Permission ref: PA/15/02904, Dated 22/06/2016. (Currently under determination)

Leamouth Peninsula South (Hercules Wharf, Castle Wharf and Union Wharf) Site:

- 4.20 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. (Permission granted 22/09/2016)
- 4.21 PA/14/03595 - Works to listed structures including repairs to 19th century river wall in eastern section of Union Wharf; restoration of the caisson and brick piers, and alteration of the surface of the in filled Orchard Dry Dock in connection with the use of the dry docks as part of public landscaping. Works to curtilage structures including landscaping works around bollards; oil tank repaired and remodelled and section of

19th century wall on to Orchard Place to be demolished with bricks salvaged where possible to be reused in detailed landscape design. (Permission granted 22/09/2016)

4.22 PA/17/02292 – Section 73 minor material application for variation of condition 2 (approved plans) of planning permission PA/14/03594 dated 22/09/2016:

- Combined northern basement below Block A to F and reduced southern basement below Block JKL.
- Changes to housing mix in Block B
- Relocation of energy centre from Block B to Block F
- Internal change to monument office spaces
- New residential amenity spaces on floor 27 and 28
- Reduction of 1 x 3 bed unit in Block C
- Changes to housing mix and 14 additional units in Block D
- Changes in housing mix in Block E with 5 additional units
- Adjustment to warehouse style
- Changes to housing mix and 18 additional units in Block F
- Ground floor street access for lower floor removed to provide levelled access through single core.
- Internal changes in Block H and I
- 4 Additional units in Block J, K and L
- Removal of two ramps from Orchard Place to basement and replaced with 2 garages spaces for townhouses.

This application is accompanied with an Environmental Statement. (Currently under determination)

5.0 POLICY FRAMEWORK

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

5.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.3 Government Planning Policy

National Planning Policy Framework 2012
National Planning Practice Guidance

5.4 London Plan 2016

2.18 – Green infrastructure: the multi-functional network of green and open spaces
4.2 – Offices
5.12 – Flood risk management
5.17 – Waste capacity
5.21 – Contaminated land
6.3 – Assessing effects of development on transport capacity
6.9 – Cycling
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
- 7.8 – Heritage assets and archaeology
- 7.17 – Metropolitan open land
- 7.18 – Protecting open space and addressing deficiency
- 7.19 – Biodiversity and access to nature
- 7.27 – Blue Ribbon Network: supporting infrastructure and recreational use
- 7.28 – Restoration of the Blue Ribbon Network
- 7.30 – London canal's and other rivers and waterspaces

5.5 **Core Strategy 2010**

- SP04 – Creating a green and blue grid
- SP05 – Dealing with waste
- SP06 – Delivering successful employment hubs
- SP09 – Creating attractive and safe streets and spaces
- SP10 – Creating distinct and durable places
- SP12 – Delivering placemaking
- SP13 – Planning obligations

5.6 **Managing Development Document 2013**

- DM10 – Delivering open space
- DM11 – Living buildings & biodiversity
- DM12 – Water spaces
- DM14 – Managing waste
- DM15 – Local job creation and investment
- DM20 – Supporting a sustainable transport network
- DM22 – Parking
- DM23 – Streets and the public realm
- DM24 – Place-sensitive design
- DM25 – Amenity
- DM27 – Heritage and the historic environment
- DM30 – Contaminated land and development and storage of hazardous substances

5.7 **Supplementary Planning Documents**

Planning Obligations Supplementary Planning Document (SPD), September 2016
Tower Hamlets CIL Charging Schedule (April 2015)

5.8 **The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits**

Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and will close on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF.

Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

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:

LBTH Biodiversity Officer

6.3 The application site sits within a Site of Importance for Nature Conservation (SINC), however the proposed location of the temporary offices is entirely hard surfaces with no vegetation, and as such the proposal will not have any significant impact on biodiversity. The proposed enhancements to East India Dock Basin to be secured through S.106 are supported and a substantial proportion of these works should seek to enhance biodiversity. The document setting out the proposed enhancements lacks detail, and as such I would like to be able to approve the detailed enhancements at a later stage before the S.106 agreement is approved.

Canal and River Trust

6.4 No objection.

Environment Agency

6.5 No objection.

LBTH Environmental Health – Air Quality

6.6 No objection.

LBTH Environmental Health – Contaminated Land

6.7 So long as the proposals do not disturb the ground, no further details or work in relation to contamination are required.

Greater London Authority

6.8 No objection, the application is not required to be referred at stage II.

Historic England Archaeology

6.9 The proposal is unlikely to have a significant effect on heritage assets of archaeological interest and no further assessment or conditions are therefore necessary.

Lea Valley Regional Park

6.10 The proposed introduction of the temporary accommodation on site along with the

associated improvements and enhancements to East India Dock Basin are supported.

Natural England

6.11 No objection.

LBTH Senior Arboricultural Officer

6.12 No objection.

Thames Water

6.13 No objection.

Transport for London

6.14 No objection.

LBTH Transport and Highways

6.15 No objection subject to an appropriate number of cycle parking spaces being provided.

LBTH Waste Policy and Development

6.16 No objection.

7.0 LOCAL REPRESENTATION

7.1 A total of 24 letters were sent to neighbours and interested parties. A site notice was also displayed on site and the application was advertised in the local press.

7.2 The number of representations received in response to notification and publicity of the application is as follows:

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

No of petition responses:	Objecting: 0
	Supporting: 0

7.3 The following issues were raised neither objecting nor supporting the proposal:

- The idea of leasing land out for a longer term improvement to the nature reserve is a good one in principle.
- The 3 storey portacabin would be visually intrusive and a 2 storey structure would be far less intrusive.
- Parking/vehicle entry should be prohibited in the event planning were to be granted (other than for the construction period).

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 This application has been assessed against all relevant policies under the following report headings:

1. Land Use
2. Design
3. Amenity
4. Highways and Transportation
5. Refuse
6. Environmental Considerations
7. Planning Contributions
8. Conclusion

Land Use

Policy Context

- 8.2 Paragraphs 87 to 90 of the NPPF set out that development within the Green Belt (which Metropolitan Open Land is equivalent to) should normally be considered inappropriate and allowed only where very special circumstances dictate otherwise.
- 8.3 Policy 4.2 of the London Plan (2016) seeks to support the development of office provision in order to improve London's competitiveness. Policies 7.17 and 7.18 seek to protect London's Metropolitan Open Land, which has the same level of protection as Green Belt, and maintain its openness and state that *"the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area"*. Policies 7.27, 7.28 and 7.30 state that development proposals should enhance the use of the Blue Ribbon Network.
- 8.4 The Council's Core Strategy policy SP04 seeks to protect and safeguard all existing open space such that there is no net loss, and improve the quality, usability and accessibility of existing accessible open spaces. Policy SP06 seeks to maximise and deliver investment and job creation in the borough.
- 8.5 The Council's Managing Development Document policy DM10 states that *"development on areas of open space will only be allowed in exceptional circumstances where as part of a wider development proposal there is an increase of open space and a higher quality open space outcome is achieved"*. Policy DM12 states that development adjacent to the Blue Ribbon Network will need to provide increased opportunities for access, public use and interaction with the water space. Policy DM15 states that the development of employment sites outside of spatial policy areas will be supported.

Impact on Metropolitan Open Land / Blue Ribbon Network

- 8.6 The application site is located on Metropolitan Open Land (MOL), a form of publically accessible open space, and also sits adjacent to the Blue Ribbon Network.
- 8.7 Whilst planning policies at a national, regional and local level affords Metropolitan Open Land the highest form of protection, they do allow for development on such space where exceptional circumstances can be demonstrated and suitably justified.

- 8.8 The proposal would result in the loss of 515sqm of open space, however this would only be for a temporary duration of 3 years, and the area of open space affected would be returned to its existing condition at the end of this period.
- 8.9 It should be noted that the area of open space that would be lost on a temporary basis is an area of hardstanding within the eastern corner of the East India Dock Basin (EIDB) which is poorly connected to the remaining park, and that the application site area comprises circa 1% of the overall EIDB.
- 8.10 In order to mitigate the impact of the temporary loss of open space, the applicant has proposed to make a number of physical improvements to the EIDB which would result in the permanent enhancement of this area of open space, as well as access to the Blue Ribbon Network. These improvements would include: the replacement of existing wildlife platforms which are in a poor state of repair; the refurbishment of the Sir Anthony Caro Salome gate; additional planting throughout the basin; the reinvigoration of the north shore and marsh planting; the provision of shelduck boxes; additional seating; additional signage, and; the refurbishment of the existing bird watching hides. The applicant has estimated that such works would cost circa £50,000, and such improvements would be secured via a S.106 legal agreement.
- 8.11 Whilst the proposal would result in the temporary loss of open space, it is considered that taking into account the quality of this space, and the fact that permanent enhancements to the entirety of the EIDB are proposed, exceptional circumstances exist in this instance to allow for a development on MOL to take place.
- 8.12 When assessing the proposal against national planning policy it is considered that very special circumstances do exist in this instance as the harm caused by the proposal (the temporary loss of open space) would be outweighed by other considerations (the permanent enhancement of the open space) and as such the proposal can be seen to be in conformity with the NPPF.
- 8.13 As the proposal would ultimately result in the provision of better quality open space within the local area, and would also improve the quality, usability and accessibility of existing accessible open space, officers are content that it conforms with the aspirations of both London Plan and Tower Hamlets Core Strategy planning policies.
- 8.14 Finally as an exceptional circumstance is considered to exist in this instance, and the proposal would result in a higher quality open space outcome along with no permanent loss of open space, the proposal can also be considered to conform with the aspirations of the Tower Hamlets Managing Development Document planning policies.

Principle of Office Use

- 8.15 The proposed development would result in the creation of 972sqm of Class B1 office floor space across 3 levels to house the staff accommodation relating to the construction of the neighbouring London City Island development for a temporary duration of 3 years.
- 8.16 Whilst the proposal would not result in the creation of additional employment, due to the fact that it relocates existing employment facilities generated by the construction of the additional London City Island development, officers are content to support the principle of an office use in this location, given that the proposal's impact on MOL and the Blue Ribbon Network is deemed acceptable, and the fact that the proposed staff accommodation would enable the delivery of a strategically important site.

Conclusion

- 8.17 Officers consider that the temporary loss of MOL alongside the permanent enhancement of the EIDB and the provision of temporary employment space can be considered to be acceptable in land use terms.

Design

Policy Context

- 8.18 Policies 7.1 to 7.6 of the London Plan (2016) seek to ensure that the design of new buildings reinforces or enhances the character of an area, incorporate the principles of inclusive design, reduce opportunities for criminal behaviour, has regard to the pattern and grain of existing spaces and streets, should enhance public realm (including increasing greening), and be of the highest architectural quality. Policy 7.8 states that “development should incorporate measures that identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.
- 8.19 The Council’s Core Strategy policy SP10 seeks to “*ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds*”.
- 8.20 The Council’s Managing Development Document policy DM23 states that “*development should be well-connected with the surrounding area and should be easily accessible for all people*”. DM24 states that “*development will be required to be designed to the highest quality standards, incorporating principles of good design*”. Policy DM27 states that “*development will be required 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’*”.

Height, Scale and Massing

- 8.21 The proposed temporary building is to be 3 storeys in height, extending to a height of 9.15m, and comprises of stacked pre-fabricated cabins. The structure would be 36m in length and 9.2m in width.

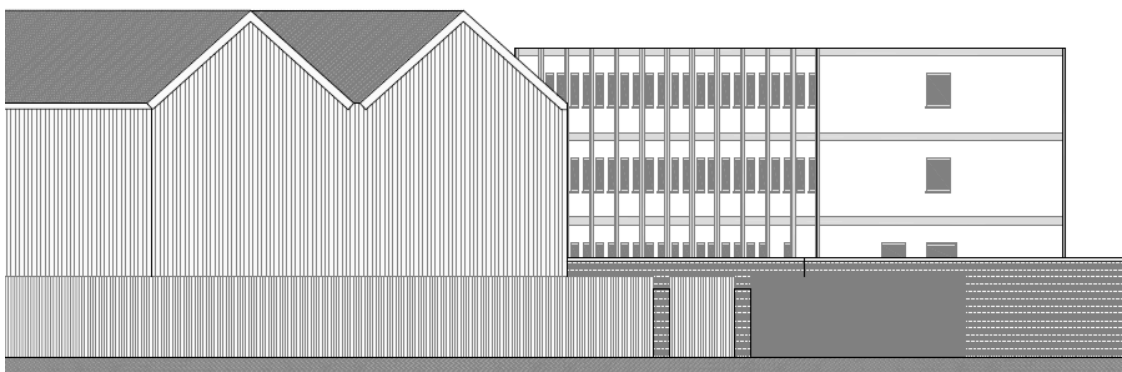


Fig.3 – Proposed Street Elevation From Orchard Place

- 8.22 The proposed structure would sit on the eastern side of the basin at a point where the ground level is lower (by 1.5m) than the remainder of the EIDB, in close proximity to a derelict warehouse on the adjacent Orchard Wharf site which has a ridge height 1.3m

higher than the proposed structure. It should also be noted that the proposed structure would also be notably lower than 42-44 Orchard Place which sits on the east side of Orchard Place.

- 8.23 Given the temporary nature of the proposed structure, its location on a portion of the EIDB which has a lower ground level, and the fact that it would be of a smaller scale than the immediately surrounding buildings, officers are content that the proposed height, scale and massing of the proposed structure would be acceptable as it would respect the character and setting of the application site.

Access and Layout

- 8.24 The proposed structure would sit within a rectangular enclosure surrounded by 2.4m high hoardings along its west and north boundaries. Within this enclosure, cycle parking and bin storage would also be provided, at its eastern end.

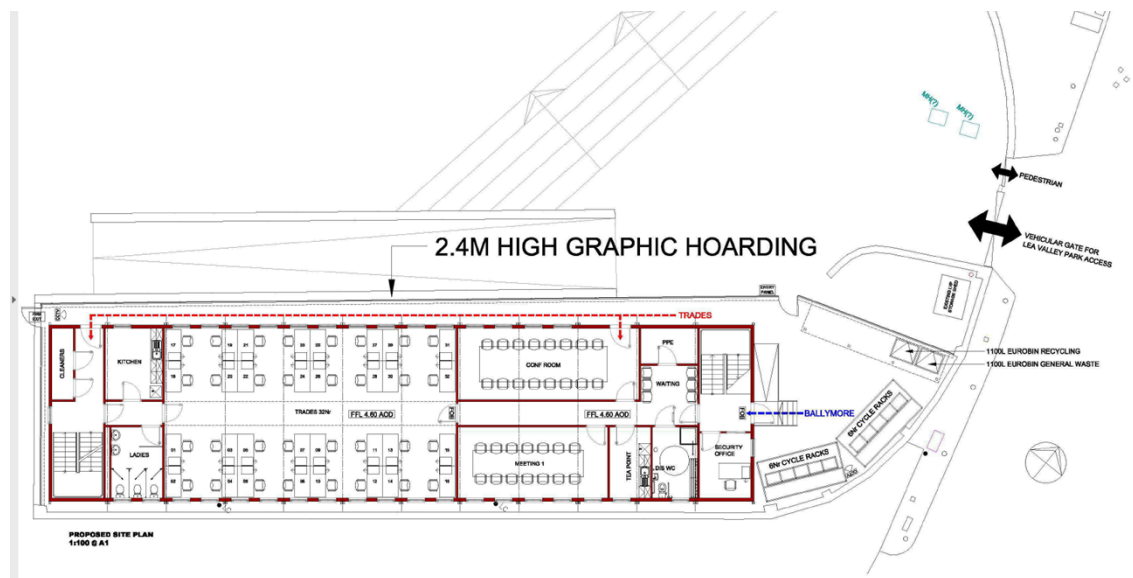


Fig.4 – Proposed Site Layout Plan

- 8.25 The portion of the EIDB occupied by the proposal is an area of unoccupied hardstanding which is poorly connected to the rest of the park, and as such access to the remaining portion of EIDB would be unaffected by the proposals.
- 8.26 Access to the enclosure would be via an entry controlled access door close to the main entrance to the EIDB and both level and stepped access would be afforded to the proposed structure, with separate entrances to the structure for both Ballymore and Trades representatives.
- 8.27 Given the temporary nature of the proposed structure, the fact that it would not affect access to the remainder of the EIDB, and the proposed access arrangements, the access and layout of the proposals would be acceptable.

Appearance

- 8.28 The proposed temporary building would consist of stacked pre-fabricated cabins finished in white, with a repeating fenestration pattern throughout.

- 8.29 Whilst such a structure would not be acceptable in design terms as a permanent building, the proposal would be temporary and it would be removed within 3 years from the date of consent. Therefore the proposed appearance of the structure is acceptable on a temporary basis.
- 8.30 In order to further soften the appearance of the proposals the 2.4m hoardings which surround the boundary of the site will feature a graphic finish illustrating trees (similar to the hoardings used on the adjacent London City Island site), an approach which is welcomed by officers.

Impact on Metropolitan Open Land / Blue Ribbon Network

- 8.31 In considering the impact of the proposals on MOL and the Blue Ribbon Network from a design perspective, officers have assessed the proposals impact on the open character of the MOL as well as the proposals relationship with the nearby water space.
- 8.32 As outlined under the 'height, scale and massing' heading within this section, the proposal would sit at a point in the basin where the ground level is lower (by 1.5m) than the remainder of the EIDB, and would also sit adjacent to the taller derelict warehouse on the adjacent Orchard Wharf site. Given this context and the site's location in the eastern corner of the EIDB, officers are content that the proposal would not unduly adversely impact upon the open character of the EIDB for its temporary duration.
- 8.33 The application site is located 30m away from the water space within the EIDB at a lower level, and would also be partially obscured by vegetation. As such the temporary siting of the proposed structure in this location is not considered to have a detrimental impact upon the Blue Ribbon Network as it would have an acceptable relationship with the nearby water space.

Conclusion

- 8.34 Officers consider that the design of the temporary proposed structure would be acceptable in terms of its height, scale and massing, access and layout, appearance and impact on Metropolitan Open Land / the Blue Ribbon Network.

Amenity

Policy Context

- 8.35 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.
- 8.36 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)*".
- 8.37 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*".

Assessment

- 8.38 The majority of surrounding buildings and land are in use for either non-residential uses, such as light industrial, office and recreation uses. The only residential properties within close proximity to the application site are those contained within 42-44 Orchard Place which sits to the east of the application site.
- 8.39 The eastern edge of the proposed 3 storey building sits 20m from the closest part of 42-44 Orchard Place. Given the scale of the proposed building, its temporary nature, and the distance between it and these residential properties, it is not considered that the proposal would result in adverse amenity impacts for existing neighbouring residents, in terms of daylight and sunlight impacts, nor privacy, outlook or enclosure impacts.
- 8.40 The proposed B1 office use is considered to be compatible with the existing surrounding uses in terms of its amenity implications (i.e. noise, vibration, light, odour, fume or pollution impacts), and the proposed hours of operation, being 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturdays are considered to be appropriate for this location. A condition restricting the hours of use to these hours would be imposed in the event that planning permission were to be granted.
- 8.41 Subject to the necessary conditions the proposed temporary development is acceptable in amenity terms.

Highways and Transportation

Policy Context

- 8.42 Policy 6.3 of the London Plan (2016) states that development proposals should not adversely affect the safety of the transport network. Policy 6.9 states that development proposals should provide cycle parking facilities in line with minimum standards. Policy 6.13 states that the maximum parking standards should generally not be exceeded and that electrical charging points and parking for disabled people should also be provided.
- 8.43 The Council's Core Strategy policy SP09 states that new development should not adversely impact either the safety or capacity of the road network, and that car-free developments will also be promoted.
- 8.44 The Council's Managing Development Document policy DM20 states that development should be located appropriately depending on its type and scale. Policy DM22 states that development proposals will be required to meet and exceed where possible parking standards, and also be permit-free in areas of good public transport accessibility.

Assessment

- 8.45 The proposed development seeks to re-provide the existing staff accommodation relating to the construction of the neighbouring London City Island development to the application site due to space constraints on the development site itself. Therefore the proposals would not generate any additional trips on either the local highway or public transport network, as it only seeks to relocate a pre-existing facility.
- 8.46 The measures contained within the approved construction and logistics plan for the London City Island development would continue to apply to the proposed relocated

staff accommodation offices in the event that planning permission were to be granted for this proposal.

- 8.47 In order to comply with the London Plan (2016) cycle parking standards a minimum of 12 cycle parking spaces are required to be provided for the proposed development, in the form of 10 long stay cycle parking spaces and 2 short stay cycle parking spaces. The applicant has proposed to provide 12 cycle parking spaces on the eastern side of the site which would be under cover, secure and easily accessible, thus conforming with relevant policy and guidance. A condition requiring the cycle parking spaces to be available prior to first occupation and for the lifetime of the development would be imposed in the event that planning permission were to be granted.
- 8.48 With the exception of refuse collections which will take place from Orchard Place utilising existing servicing operations to the adjacent London City Island site, the proposed development would not generate any servicing traffic. With respect to the refuse collections, it is considered that both the width and layout of Orchard Place is appropriate for such movements.
- 8.49 Subject to the necessary conditions officers are content that the proposed temporary development is acceptable in highways and transportation terms.

Refuse

Policy Context

- 8.50 Policy 5.17 of the London Plan (2016) states that development proposals should be *“minimising waste and achieving high reuse and recycling performance”*.
- 8.51 The Council’s Core Strategy policy SP05 (1) states that development should *“implement the waste management hierarchy of reduce, reuse and recycle”*.
- 8.52 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

- 8.53 The proposed development includes a dedicated bin store at the eastern edge of the site closest to Orchard Place. This bin store incorporates 1 x 1100l Eurobin for general refuse and 1 x 1100l Eurobin for recycling. Given the nature of the proposed use, waste generation is expected to be low and as such the quantum of waste storage proposed is considered to be acceptable.
- 8.54 Waste collection from site will be undertaken by a private contractor and would take place from Orchard Place utilising existing servicing operations to the adjacent London City Island site. The proposed collection point on Orchard Place would be within 10m wheeling distance of the bin store and would also be free from kerbs or steps (due to the presence of a dropped kerb area).
- 8.55 Subject to a condition requiring the refuse store to be available prior to first occupation and for the lifetime of the development, officers are content that the proposed temporary development is acceptable in refuse terms.

Environmental Considerations

Policy Context

- 8.56 Policy 5.12 of the London Plan (2016) states that proposals *“must comply with the flood risk assessment and management requirements set out in the NPPF”*. Policy 5.21 states that *“appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination”*. Policy 7.19 states that *“development proposals should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity”*.
- 8.57 The Council’s Core Strategy policy SP04 states that proposals should protect and enhance biodiversity value and reduce the risk and impact of flooding.
- 8.58 The Council’s Managing Development Document policy DM11 states that *“existing elements of biodiversity value should be protected or replaced within the development and additional habitat provision made to increase biodiversity value”*. Policy DM30 states that a site investigation and remediation proposals will need to be agreed where development is on potentially contaminated land.

Biodiversity

- 8.59 The application site sits within the East India Dock Basin Site of Importance for Nature Conservation (SINC) on an area of hardstanding on the eastern side of the basin which features no vegetation. The Council’s biodiversity officer has assessed the application and has concluded that the proposed temporary building would not have any significant adverse impacts upon biodiversity and the SINC.
- 8.60 In order to mitigate the temporary loss of open space, the applicant has proposed to make a number of physical enhancements to the EIDB, which would include biodiversity enhancements. As such the proposal would result in an increase in biodiversity value within the EIDB in line with policy DM11 of the Tower Hamlets Managing Development Document (2013) and this is in principle supported by the Council’s biodiversity officer.
- 8.61 To ensure that the proposed enhancements are carried out in an appropriate manner, as part of the S.106 agreement, officers would require the applicant to submit full details of the proposed enhancements (further to the document already submitted which merely outlines the scope of proposed enhancements) which would need to first be agreed by the Council’s biodiversity officer before the enhancement works within the EIDB could commence.

Contaminated Land

- 8.62 The application site sits on land which is at risk from potential land contamination, however as the proposals involve the siting of temporary pre-fabricated cabins atop the existing concrete and would not disturb the ground, the proposals are not considered to raise any contaminated land risks, which has been confirmed by the Council’s contaminated land officer.

Flood Risk

- 8.63 The application site is located within Flood Zone 3 which indicates that the site is located within an area which is at a ‘high probability’ of flooding. It should be noted

however that the site is located in an area which benefits from defences (the Thames Barrier), and is protected up to the 1000 year standard of protection, meaning that the development would not be at risk of flooding assuming normal operation of the flood defences.

- 8.64 To ensure that the proposal is protected from a breach of the Thames Barrier, the finished floor level has been set at a minimum level of 5.15m AOD (the same level as the 2065 breach flood level), and safe refuge could take place above the breach flood level (i.e. within the site cabins), in the absence of a safe escape route off-site.
- 8.65 The submitted flood risk assessment has been reviewed by the Environment Agency who have concluded that given the short duration of the temporary proposal (3 years) and the fact that finished floor levels are at the same level of the 2065 breach flood level, the proposals are sufficiently conservative to take into account the flood risk of the site. Safe refuge within the development, given the site's location in a low lying area, can also be considered to be acceptable.

Conclusion

- 8.66 The proposal is acceptable in biodiversity, contaminated land and flood risk terms and can thus be considered to be in acceptable in environmental terms.

Planning Contributions

- 8.67 The Council's Core Strategy policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's recently adopted 'Planning Obligations' SPD (2016) sets out in more detail how these impacts can be assessed and appropriate mitigation secured.
- 8.68 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and,
 - Are fairly and reasonably related in scale and kind to the development.
- 8.69 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.
- 8.70 This is further supported by policy SP13 of the Core Strategy (2010) which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.71 The Council's current Supplementary Planning Document on Planning Obligations was adopted in September 2016. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the Core Strategy (2010).
- 8.72 The general purpose of S.106 contributions are to ensure that development is appropriately mitigated in terms of impacts.
- 8.73 The development proposed results in the creation of new B1 office floor space outside of the City Fringe area and as such is not liable for Tower Hamlets CIL payments.

8.74 The following table lists the non-financial obligations to be secured in accordance with LBTH and GLA guidance:

Heads of Terms	Planning Obligations
Improvements and enhancements to the East India Dock Basin.	<ul style="list-style-type: none"> • the refurbishment of wildlife platforms; • the refurbishment of the Sir Anthony Caro Salome gate; • additional planting; • reinvigoration of the north shore and marsh planting; • provision of shelduck boxes; • additional seating; • additional signage, and; • refurbishment of the existing bird watching hides.

8.75 The applicant has stated that the estimated total of the proposed works to be secured through the S.106 would total circa £50,000.

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

9.0 FINANCIAL CONSIDERATIONS

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

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

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

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

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

9.3 In this context “grants” might include New Homes Bonus. 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. As this proposal is for temporary planning permission however, this development is exempt from London mayoral CIL.

9.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015. As discussed previously, in this instance the proposal would not be liable for Borough

CIL as the proposed development includes the creation of new B1 office floor space outside of the City Fringe area which is afforded a nil rate in the borough's CIL charging schedule.

10.0 EQUALITIES ACT CONSIDERATIONS

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

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

11.0 HUMAN RIGHTS CONSIDERATIONS

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

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

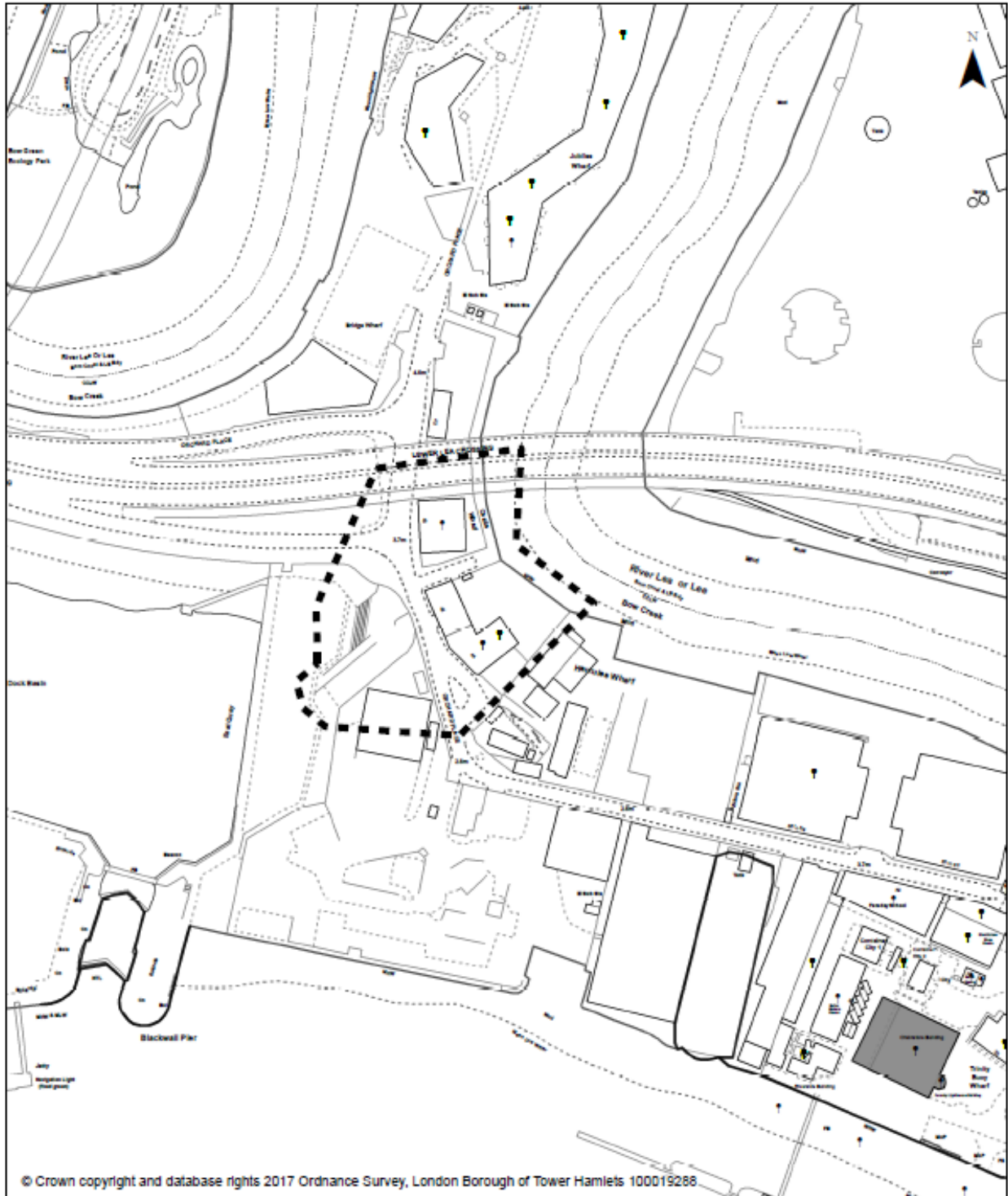
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation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

- 11.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 11.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 11.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 11.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

12.0 CONCLUSION

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

13.0 SITE MAP



■ Consultation Area

▬ Planning Application Site Boundary

■ Statutory Listed Buildings

□ Locally Listed Buildings

Planning Application Site Map
PA/16/02249

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

Scale @ 1:2,100

GIS for
Place Directorate
LONDON BOROUGH OF TOWER HAMLETS
Date: 07/11/2017