

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

1. APPLICATION DETAILS

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

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

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

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

Drawing and documents:

Drawings:

001	3	Site location plan
002	3	Existing site plan
003	4	Proposed site plan
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Documents

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

Applicant: Ballymore (Hayes) Limited

Ownership: Ballymore (Hayes) Limited

Historic Building: None

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

2. EXECUTIVE SUMMARY

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

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

3 RECOMMENDATION

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

Reasons

Site design principles

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

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

Urban Design

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

Impact on the surroundings

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

Housing quality

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

Housing mix and choice

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

4 SITE AND SURROUNDINGS

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

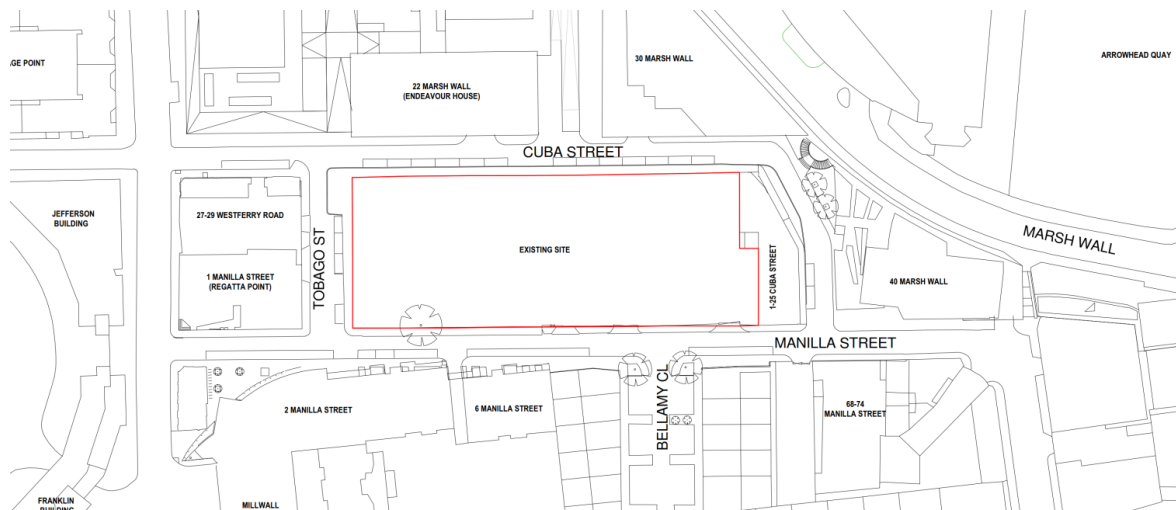


Figure 1. Site location plan

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

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

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

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

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



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



Figure 3. View south east from The Landmark



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



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

5 PROPOSAL

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



Figure 6. Proposed ground floor layout

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

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

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



Figure 7. Proposed south elevation



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

6 MATERIAL PLANNING HISTORY

Application site

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

Adjacent and nearby sites

- 19 Cuba Street (adjoining to the east)
- 6.3 PA/03/01293. Redevelopment by the erection of a 7-storey building plus penthouse comprising of 26 apartments and 1 retail/commercial unit. Planning permission granted 6th June 2004. Constructed.
- 30 Marsh Wall
- 6.4 PA/13/03161: Redevelopment by a mixed use scheme over two basement levels, lower ground floor, ground floor and 52 upper floors (180 m. AOD) comprising 410 residential units, 1,781 m² of offices, 231 m² of community space, 73 sq. m. of café / shop, communal amenity space at 4th, 24th, 48th and 49th floors, plant rooms, bin stores, cycle parking and 50 basement car parking spaces. The application went undetermined and was disposed of by the Council, the applicant being advised of concerns regarding:

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

- Poor public realm legibility;
 - Conflict with tall buildings policy and failure to create an attractive human scale at street level;
 - Unsatisfactory dwelling mix with insufficient family housing;
 - Inadequate amount of affordable housing;
 - Deficiencies in the Environmental Statement.
- 6.5 PA/16/00477: Redevelopment by a 43-storey building for retail and community uses, 271 residential units. Withdrawn following a recommendation to the Strategic Development Committee on 29th November 2016 to refuse planning permission for the reasons summarised as follows:
- Overdevelopment seeking to maximise not optimise the development potential of the site.
 - Unacceptable impact on the daylight and sunlight that would be received by surrounding properties, with a commensurate increased sense of enclosure,
 - Density, height, massing and layout inappropriate.
 - Unacceptably effect on the development potential of the Cuba Street site to the south.
 - Deficiencies in housing quality standards including failure to meet the nationally described space standard and the Mayor's Housing SPG 2016 regarding private amenity space, communal amenity space and child play space. Unsatisfactory natural light within the proposed housing.
 - Microclimate conditions unresolved.
 - Conflict with urban design policy to provide high quality buildings and places suitably located and sensitive to the locality.
 - The Environmental Statement failed to comply with statutory requirements.
- Alpha Square (50 Marsh Wall, 63-69 and 68-70 Manilla Street
- 6.6 PA/15/02671: Redevelopment by three buildings of 65, 20 and 34-storeys comprising 634 residential units, 231 hotel rooms, a health centre, school, ground floor retail with a landscaped piazza, public open space and vehicular access, car parking &, cycle storage with retention of the 'North Pole' Public House, 74 Manilla Street. Taken over by the Mayor of London. Planning permission granted by the Mayor 27th March 2017.
- Land bounded by Park Place, Westferry Road and Heron Quay Road (Newfoundland)
- 6.7 PA/14/02134: Erection of a 58-storey and linked 2-storey building with basement to provide 568 residential units, 7 ancillary guest units, flexible Class A1-A4 retail use, car and cycle parking and pedestrian bridge. Permitted 5th December 2014.
- Arrowhead Quay, Marsh Wall (East of the Britannia Hotel 'The Wardian')).
- 6.8 PA/12/03315: Construction of two buildings of 55 and 50-storeys to provide 756 residential units, a cinema and ground floor retail uses. Permitted 19th February 2015.
- City Pride Public House, 15 Westferry Road
- 6.9 PA/12/03248: Redevelopment by a 75-storey tower comprising 822 residential units, 162 serviced apartments, Class A1-A4 retail uses and open space. Permitted 9th October 2013.
- 40 Marsh Wall (Novotel)
- 6.10 PA/10/01049: Redevelopment by a 38-storey, 305 bedroom hotel. Permitted 15th November 2010.

- The 'Landmark' 22-28 Marsh Wall, 2 Cuba Street & 17-23 Westferry Road
- 6.11 PA/05/00052: Construction of buildings 40, 30 and 8-storeys to provide 691 dwellings and retail, offices and community uses. Permitted 24th May 2006.
- 4 Mastmaker (Phoenix Heights)
- 6.12 PA/05/01781: Construction of buildings up to 21-storeys comprising 190 residential units, retail, food and drink and community use. Permitted 20th June 2007.
- Site north of Byng Street and junction of Westferry Road and Byng Street
- 6.13 PA//02/00891: Construction of a new Millwall Fire Station, bar/restaurant and gym and 173 residential flats in a 7 & 9-storey development with ancillary basement car parking. Permitted 6th February 2003.

Pre-application advice

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

Background

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

Height and massing

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

Housing quality

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

Summary

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

7 LEGAL AND PLANNING POLICY FRAMEWORK & ALLOCATIONS

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

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

The development plan

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

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

7.4 National policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standard 2015

7.5 London-wide policy

The London Plan 2016

2.9 Inner London

2.13 Opportunity Areas

2.14 Areas for regeneration

3.1 Ensuring equal life chances for all

3.2 Improving health and addressing health inequalities

3.3 Increasing Housing Supply

3.4 Optimising Housing potential

3.5 Quality and Design of housing developments

3.6 Children and young people's play and informal recreation facilities

3.8 Housing Choice

3.9 Mixed and balanced communities

3.10 Definition of affordable housing

3.11 Affordable housing targets

3.12 Negotiating affordable housing on individual and mixed use schemes

3.13 Affordable housing thresholds

3.16 Protection and enhancement of social infrastructure

4.1 Developing London's economy

4.2 Offices

5.1 Climate change mitigation

5.2 Minimising carbon dioxide emissions

5.3 Sustainable design and construction

5.5 Decentralised energy networks

5.6 Decentralised energy in development proposals

- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London View Management Framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting open space and addressing deficiency
- 7.19 Biodiversity and access to nature
- 7.30 London's canals and other river and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

7.6 Local policy

Tower Hamlets Core Strategy 2010

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

Tower Hamlets Managing Development Document 2013

DM0	Delivering Sustainable Development
DM1	Development within the town centre hierarchy
DM2	Local shops
DM3	Delivery Homes
DM4	Housing standards and amenity space
DM8	Community infrastructure
DM9	Improving air quality
DM10	Delivering open space
DM11	Living buildings and biodiversity
DM12	Water spaces
DM13	Sustainable drainage
DM14	Managing Waste
DM15	Local job creation and investment
DM16	Office locations
DM20	Supporting a sustainable transport network
DM21	Sustainable transportation of freight
DM22	Parking
DM23	Streets and the public realm
DM24	Place sensitive design
DM25	Amenity
DM26	Building heights
DM27	Heritage and the historic environments
DM28	World heritage sites
DM29	Achieving a zero-carbon borough and addressing climate change
DM30	Contaminated land

7.7 Supplementary Planning Documents

Greater London Authority

The Mayor's Affordable Housing and Viability SPG (Draft 2016)

The Mayor's Housing SPG May 2016

Accessible London: Achieving an Inclusive Environment 2014

Guidance on preparing Energy Assessments 2015

Sustainable Design and Construction SPG 2014

The Control of dust and emissions during construction and demolition 2014

Shaping Neighbourhoods: Character and Context 2014

London Planning Statement 2014

Use of Planning Obligations in the funding of Crossrail and the Mayoral Community

Infrastructure Levy 2013

River Action Plan 2013

London View Management Framework 2012

East London Green Grid Framework 2012

Shaping Neighbourhoods Play and Informal Recreation 2012

London World Heritage Sites - Guidance on Settings March 2012

The Mayor's Energy Strategy 2010

The Mayor's Transport Strategy 2010

The Mayor's Economic Strategy 2010

London Borough of Tower Hamlets

The South Quay Masterplan SPD October 2015

Planning Obligations SPD – September 2016

Community Infrastructure Levy (CIL) Regulation 123 List September 2016

Emerging policy

Tower Hamlets Draft Local Plan 2031

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

8 CONSULTATION

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

External consultees

Greater London Authority

- 8.2 The Mayor considered the application at Stage 1 on 4th November 2015. The council was informed that whilst the principle of the proposal is strongly supported, the application does not comply with the London Plan but resolution of the following issues could lead to compliance:
- **Housing:** it is not possible at this stage to determine whether the proposal provides the maximum reasonable amount of affordable housing, in accordance with London Plan Policy 3.12.
 - **Design:** in accordance with London Plan Policy 7.7, further discussions are required regarding the proximity of this development to surrounding development, and wind impact.
 - **Flood risk:** the application does not accord with London Plan Policy 5.13. The applicant should increase sustainable drainage techniques.
 - **Climate change mitigation:** The energy strategy does not accord with London Plan policies 5.2, 5.6 and 5.9. Further information regarding prioritising future connection to the Barkantine heat network, the site-wide heat network, and the use of renewable technologies is required to increase carbon dioxide emission savings. The final agreed energy strategy should be appropriately secured by the Council.
 - **Transport:** in accordance with London Plan policies 6.1, 6.2, 6.4, 6.7, 6.9 and 6.10, financial contributions are required towards dock crossing improvements, increase in

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

Transport for London (TfL)

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

London Underground (Infrastructure protection)

- 8.4 No comments.

Canal and Rivers Trust

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

Port of London Authority

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

Historic England

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

Greater London Archaeological Advisory Service

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

Environment Agency

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

London Fire and Emergency Planning Authority

- 8.10 Pump appliance access and water supplies appear adequate.

Sport England

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

Crossrail

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

Metropolitan Police Crime Prevention Design Advisor

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

Thames Water Plc

- 8.14 Sewerage infrastructure capacity: No objection.
- 8.15 Surface water drainage: The developer should make proper provision for drainage to ground, water courses or a suitable sewer. Storm flows should be attenuated or regulated into the receiving public network through on or off site storage. Discharge to a public sewer will require prior approval from Thames Water.
- 8.16 Water supply: The existing infrastructure has insufficient capacity to meet the demands of the development. Recommends that any planning permission be conditioned to require, before development commences, the approval of an impact study of the existing water supply infrastructure to determine the magnitude of any new additional capacity required and a suitable connection point.
- 8.17 Thames Water also requests:
- A condition to prevent impact piling until a piling method statement has been approved.
 - Informatives advising:
 1. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer
 2. A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'.

London City Airport

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

National Air Traffic Services Ltd

- 8.19 No safeguarding objection.
- 8.20 No representations have been received from the following organisations following consultation:
- London Borough of Greenwich
 - NHS Tower Hamlets Clinical Commissioning Group
 - National Grid (Plant Protection)
 - EDF Energy Networks
 - Docklands Light Railway
 - Barkantine Tenants Association
 - Millwall Tenants Association
 - Association of Island Communities

Internal consultation

Biodiversity officer

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

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

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

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

Arboriculture Officer

8.24 No comments received.

Parks & Open Spaces

8.25 No comments received.

Environmental Health

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

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

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

8.29 Smell / Pollution: No comments received.

Sustainable Development Team

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

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

8.32 Recommends conditions and planning contributions to deliver:

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

Transport and Highways

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

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

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

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

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

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

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

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

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

Enterprise & Employment

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

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

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

Communities, Localities & Culture - Strategy

8.44 No comments received.

Education Development

8.45 No comments received.

Waste Management

8.46 No objection. The Waste Strategy is satisfactory.

Occupational Therapist (Housing Options)

8.47 No comments received.

Sustainable Drainage Officer

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

Tower Hamlets Conservation and Design Advisory Panel

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

9 LOCAL REPRESENTATION

Community engagement by the applicant

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

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

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

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

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

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

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

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

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

Figure 9. Opinions expressed at public exhibition

Representations following LB Tower Hamlets statutory publicity

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

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

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

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

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

Poplar HARCA

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

Notting Hill Housing Association

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

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

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

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

9.10 Non material objections may be summarised as:

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

10 MATERIAL PLANNING CONSIDERATIONS

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

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

Land use

NPPF

- 10.2 A core planning principle is encouraging the effective use of land through the reuse of suitably located previously developed land such as the application site. Paragraph 7 advises that achieving sustainable development includes a “*social role*” supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. Paragraph 9 advises that pursuing sustainable development includes widening the choice of high quality homes.
- 10.1 The Framework promotes a presumption in favour of sustainable development, through the effective use of land to ensure the delivery of sustainable economic, social and environmental benefits. It promotes high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, particularly for new housing. Local authorities are expected to boost significantly the supply of housing and applications for housing should be considered in the context of the presumption in favour of sustainable development.
- 10.2 Paragraph 73 recognises that access to high quality open spaces can make an important contribution to the health and well-being of communities.

The London Plan 2016

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

The Tower Hamlets Local Plan

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

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

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

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

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

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

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

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

South Quay Masterplan SPD October 2015

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

Assessment

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

Optimising housing potential

NPPF

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

The London Plan 2016

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

The Mayor's Housing SPG 2016

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

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

Tower Hamlets Core Strategy 2010

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

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

South Quay Masterplan SPD 2015 (SQMP)

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

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

Assessment

10.32 Adverse symptoms of overdevelopment can include:

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

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

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

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

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

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

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

Summary

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

Urban design

NPPF

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

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

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

The London Plan 2016

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

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

- a generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;*
- b only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;*
- c relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;*
- d individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;*
- e incorporate the highest standards of architecture and materials, including sustainable design and construction practices;*
- f have ground floor activities that provide a positive relationship to the surrounding streets;*
- g contribute to improving the permeability of the site and wider area, where possible;*
- h incorporate publicly accessible areas on the upper floors, where appropriate;*
- i make a significant contribution to local regeneration.*

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

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

The Mayor's 'Housing' SPG 2016

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

Tower Hamlets Core Strategy 2010

- 10.44 Policy SP10 *'Creating distinct and durable places'* seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings.

Tower Hamlets Managing Development Document 2013

- 10.45 Policy DM24 *'Place-sensitive design'* requires developments to be built to the highest quality standards. This includes being sensitive to and enhancing the local character and setting and use of high quality materials.
- 10.46 Policy DM26 *'Building heights'* and Figure 9 page 70 (reproduced below) require building heights to accord with the town centre hierarchy. The application site is located in the final step down in the hierarchy (*'Areas outside of town centres'*) and is not identified as appropriate for the location of tall buildings.

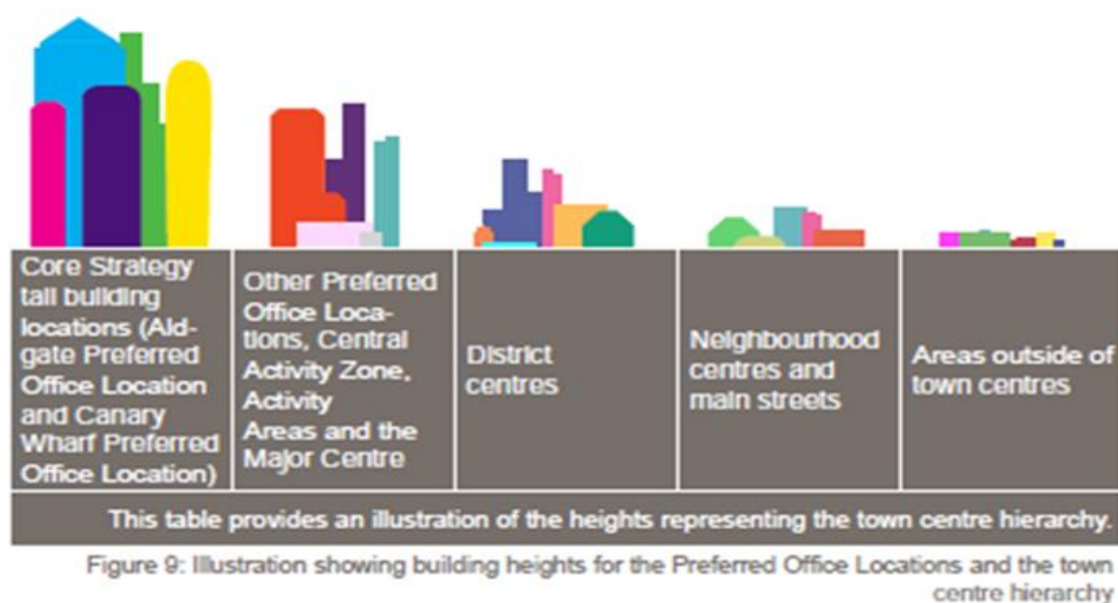


Figure 10. MDD Building heights and the Town Centre Hierarchy

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

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

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

South Quay Masterplan SPD 2015 (SQMP)

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

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

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

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

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

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

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

Figure V1 Vision Map



Figure 11. South Quay Masterplan – Vision and principles

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

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

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

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

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

Assessment

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

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

Affordable housing

NPPF

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

The London Plan 2016

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

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

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

Tower Hamlets Core Strategy 2010

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

Tower Hamlets Managing Development Document 2013

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

Assessment

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

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

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

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

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

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

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

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

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

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

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

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

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

Residential tenure mix

NPPF

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

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

The London Plan 2016

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

The Mayor's '*Housing*' SPG 2016

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

Tower Hamlets Core Strategy 2010

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

Tower Hamlets Managing Development Document 2013

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

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

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

Assessment

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

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

Figure 12. Proposed residential mix and Core Strategy targets

10.89 70% of the affordable housing would be rented and 30% intermediate which meets the Core Strategy policy target. The rented units are proposed at Affordable Rent at the Borough Framework levels for the E14 postcode.

10.90 The dwelling mix within the affordable rented sector is considered satisfactory with 52% family units broadly in line with the 45% Core Strategy target, with the additional larger units welcomed:-

- 22% 1 bed units - policy target 30%,
- 26% 2 bed units - policy target 25%,
- 52% family sized (3 bed +) - policy target 45%.

10.91 In the intermediate sector, there would be an overemphasis on 1 and 2 bed units and an entire absence of family units. Members have previously considered this satisfactory given concerns about the affordability of large intermediate units in the borough:-

- 32% 1 bed units - policy target 25%
- 68% 2 bed units - policy target 50%
- 0% 3 bed units – policy target 25%

10.92 The unit mix in the market sector is considered **unacceptable** with a significant over provision of 2-bed units (21% above target) and an under provision of 3-bed+ family units (15% below target):-

- 44% studios & 1 bedroom units – policy target 50% for 1 bed units. There is no target for studios
- 51% 2 bed units – policy target 30%
- 5% 3 bed+ - policy target 20%.

10.93 45 units in total, 15 in the west building and 30 in the east building, are designed to be easily adaptable for wheelchairs. This amounts to 10% by habitable room and policy compliant with a mix of unit sizes.

Housing quality

Technical housing standards – nationally described space standard

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

The London Plan 2016

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

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

Figure 13. London Plan / National described minimum space standards

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

The Mayor's 'Housing' SPG 2016

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

10.102 Design Standard 31 encourages a 2.5 m. floor to ceiling height.

10.103 Design Standard 32 says all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight.

10.104 Failure to meet one standard need not necessarily lead to conflict with the London Plan, but a combination of failures would cause concern. In most cases, departures from the standards require clear and robust justification.

Tower Hamlets Core Strategy 2010

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

Tower Hamlets Managing Development Document 2013

10.106 Policy DM4 '*Housing standards and amenity space*' requires all new developments to meet the London Plan's internal space standards. Private outdoor space should accord with the Mayor's '*Housing*' SPG.

10.107 Policy DM25 '*Amenity*' seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments and also requires the protection of neighbouring resident's privacy stipulating that a distance of 18 m. between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.

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

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

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

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

Assessment

10.110 All units achieve or exceed minimum internal spaces standards although individual room sizes are not specified. Floor to ceiling height would be 2.7 m. exceeding standards. Private amenity space would be provided for all units by individual terraces. The applicant says that in six flats, would have outdoor terraces of 4 m² are proposed, shortfalls of 2 m² and 3 m².

10.111 In both buildings each core would be accessible by no more than eight units per floor.

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

10.121 Taking this into account and using the data tables, sunlight provision looks mediocre, with only around half of the proposed living rooms facing due south and meeting the annual sunlight recommendation. However BLDA have omitted to analyse rooms with west facing windows that should receive some sun. It would be helpful for sunlight provision to be tabulated for these rooms to show whether they meet the BS/BRE guidelines, and for a proper analysis to be carried out showing how many living rooms receive enough sunlight.

10.122 Officers consider that the relatively minor alterations within the revised scheme would not alter the BRE's advice, with failures of internal daylight being mainly caused by the twin towers in close proximity to each other.

10.123 The applicant has responded to the BRE's advice by providing the following quotes from the Mayor's 'Housing' SPG:

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

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

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

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

Summary

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

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

Private amenity space, communal amenity space and play space

NPPF

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

The London Plan 2016

- 10.127 Policy 3.5 '*Quality and design of housing developments*' seeks to enhance the quality of local places by ensuring that new housing developments take into account the provision of public, communal and open spaces.
- 10.128 Policy 3.6 '*Children and young people's play and informal recreation facilities*' requires all children and young people to have safe access to good quality, well-designed, secure and stimulating play and informal recreation provision, taking account of the projected child population.
- 10.129 Policy 7.5 '*Public realm*' requires public spaces to be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.
- 10.130 Policy 7.6 '*Architecture*' says that buildings should provide high quality outdoor spaces and integrate well with the surrounding streets and open spaces.

The Mayor's 'Housing' SPG 2016

- 10.131 Design Standard 5 supports London Plan Policy 3.6 and reiterates that for developments with an occupancy of ten children or more should make appropriate play provision in accordance with the '*Shaping Neighbourhoods: Play and Informal Recreation*' SPG 2012. This states that children's play space should be provided in new developments with a target of 10 m² per child and further recommends the following accessibility requirements for children's play space:
- 400 metres walking distance from a residential unit for 5-11 year olds;
 - 800 metres walking distance from a residential unit for 12+ year olds.

Tower Hamlets Core Strategy 2010

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

Tower Hamlets Managing Development Document 2013

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

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

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

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

The South Quay Masterplan SPD 2015

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

Assessment

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

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

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

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

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



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

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

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

Impact on surroundings

The London Plan 2016

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

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

The Mayor's 'Housing' SPG 2016

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

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

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

Tower Hamlets Core Strategy 2010

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

Tower Hamlets Managing Development Document 2013

- 10.146 Policy DM25 'Amenity' requires development to ensure it does not result in a material deterioration of sunlight and daylight conditions of surrounding development and the avoidance of sense of enclosure. Proposals are to be assessed by the methodology within the BRE's publication 'Site layout planning for sunlight and daylight.'
- 10.147 To calculate daylight to neighbouring properties, the BRE emphasises that vertical sky component (VSC) is the primary assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. For sunlight, applicants should calculate the annual probable sunlight hours (APSH) to windows of main habitable rooms of neighbouring properties that face within 90° of due south and are likely to have their sunlight reduced by the development massing. For shadow assessment, the requirement is that a garden or amenity area with a requirement for sunlight should have at least 50% of its area receiving 2 hours of sunlight on 21st March. The BRE Handbook also provides guidance for assessing overshadowing of future adjoining development land.
- 10.148 For both Daylight Vertical Sky Component (VSC) and Sunlight (ASPH) the BRE categorises impacts as follows:

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

Assessment

- 10.149 The GLA's Stage 1 Report says that "*the location of the eastern building, and its impact on privacy, daylight and wind, needs to be carefully considered in relation to emerging development proposals at 30 Marsh Wall*" but is silent on impacts on other surrounding buildings and fails to consider the impact of the West Tower.
- 10.150 The relationship between the proposed development and surrounding residential accommodation is explained above. Officers conclude that due to proximity, there would

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

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



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

- 10.152 The BRE advise that there would be a **major adverse impact** on daylight to rooms in nearby residential properties in 1 Manilla Street, 2-6 Manilla Street, 1 Tobago Street and 'Endeavour House' (The Landmark Block 4, 22 Marsh Wall). This is largely due to the proximity, size and height of the proposed West Building. The BRE says the effect on 1 Manilla Street (Regatta Point) and 1 Tobago Street would be particularly bad; in the cumulative situation with other proposed developments in place, some windows in No. 1 Tobago Street would receive no direct daylight at all. The loss of light to these properties would be well beyond what would normally be considered acceptable, even in a dense urban environment (Details of VSC reductions to adjoining residential property as a consequence of the proposed development are provided at paragraph 10.162 below).
- 10.153 There would also be a major adverse impact on sunlight to dwellings at 1 Manilla Street, 1 Tobago Street and Endeavour House. Loss of sunlight to 2-6 Manilla Street would not be an issue as the relevant windows face north.
- 10.154 The property at 9 Cuba Street backs onto the proposal site, and there is a first floor kitchen window facing the site. Daylight to this window would be completely blocked with the new development in place. The kitchen forms the rear part of a living room which receives light from the other side of the building. There would be a significant loss of amenity to the occupants of that unit, though other flats in the same building have a non-day lit kitchen.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary

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

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

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

Microclimate

Overview

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

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

Figure 18 - Lawson Comfort Criteria (LCC)

- 10.168 For a predominantly residential urban site such as Cuba Street, the desired wind microclimate would typically need to have areas suitable for sitting, entrance use, standing and leisure walking. The business walking and roads classifications may be acceptable in isolated areas, but being associated with occasional strong winds should be avoided. Upper level amenity terraces are assessed on the basis that they are intended for good-weather use only with sitting or standing conditions during the summer acceptable.
- 10.169 Near building entrances, a wind environment suitable for standing or calmer is desired, and should examine the windiest season. A pedestrian thoroughfare should be suitable for leisure walking during the windiest season. Strong winds (Beaufort Force 6+) should be reported separately from the LCC.

London Plan 2016

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

The Mayor's Sustainable Design and Construction SPG 2014

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

Tower Hamlets Core Strategy 2010

- 10.172 Policy SP10 '*Creating distinct and durable places*' seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. This is to be achieved by ensuring development protects amenity.

Tower Hamlets Managing Development Document 2013

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

Assessment

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

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

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

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

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

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

Transport and highway considerations

NPPF

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

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

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

The London Plan 2016

10.181 The key policies applicable to transport issues are:

6.1 – *Strategic Approach*

6.3 – *Assessing effects of development on transport capacity*

6.9 – *Cycling*

6.13 – *Parking*

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

Cycle parking standards

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

Car parking standards

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

Tower Hamlets Core Strategy 2010

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

Tower Hamlets Managing Development Document 2013

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

Assessment

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

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

Conditions and section 106 Heads

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

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

Waste management

The London Plan 2016

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

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

Tower Hamlets Managing Development Document 2013

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

Assessment

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

Energy and sustainability

The NPPF

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

The London Plan 2016

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

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

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

Tower Hamlets Core Strategy 2010

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

Tower Hamlets Managing Development Document 2013

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

Tower Hamlets Planning Obligations SPD 2016

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

Assessment

- 10.206 From April 2014, the council has applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50% target beyond Part L of the Building Regulations 2010.
- 10.207 The applicant's submitted Energy Strategy and addendum follows the principles of the Mayor's energy hierarchy, and seeks to focus on reducing energy demand utilising a CHP system and integration of renewable energy technologies.
- 10.208 The proposals are anticipated to achieve CO2 emission reductions of 6% through '*Be Lean*' measures, 28% through a CHP (185kW_e) site wide heat network and 0.2% from a photovoltaic array (2.9kW_p). The cumulative CO2 savings are proposed to accord with London Plan requirements at 34.2%. However, the proposals fall short of the LBTH policy requirements to achieve a 45% reduction in CO2 emissions.
- 10.209 The proposed CO2 emissions are:
- Baseline - 491 Tonnes/CO2/year
 - Proposed design - 323 Tonnes/CO2/year
 - LBTH policy requirement - 270 Tonnes/CO2/yr
 - Annual Shortfall - 53 Tonnes/CO2/year
- 10.210 The submitted Energy Strategy confirms the applicant has examined the potential for connecting to a district heating system through consultation with the Barkantine District Heating Company.
- 10.211 The current approach to including a CHP engine is not supported given the proximity to the Barkantine network. Should planning permission be granted, it is recommended that it should be conditioned to require the submission of a feasibility study regarding connection to the Barkantine district heating network and an updated energy strategy. Should a connection to Barkantine be demonstrated to be unfeasible / viable then a site wide heat network served by a CHP could be delivered in accordance with the decentralised energy hierarchy set out in London Plan Policy 5.6.
- 10.212 As noted, the current proposals fall short of the council's policy requirements to achieve a 45% reduction in CO2 emissions. The calculation is based on the current energy strategy including an on-site CHP. Should it not be possible to achieve a 45% reduction, there should be a carbon offsetting contribution of £95,400, secured by a section 106 obligation, for appropriate carbon offset projects. The calculation for this figure is:

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

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

Air Quality

The London Plan 2016

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

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

Tower Hamlets Core Strategy 2010

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

Tower Hamlets Managing Development Document 2013

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

Assessment

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

Noise and vibration

NPPF

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

The London Plan 2016

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

Tower Hamlets Core Strategy 2010

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

Tower Hamlets Managing Development Document 2013

- 10.222 Policy DM25.e. '*Amenity*' requires development to seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm by not creating unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution.

Assessment

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

Contaminated land

NPPF

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

London Plan 2016

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

Tower Hamlets Managing Development Document 2013

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

Assessment

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

Archaeology

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

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

Tower Hamlets Core Strategy 2010

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

Tower Hamlets Managing Development Document 2013

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

Assessment

- 10.232 The site is not located within or adjacent to an Archaeological Priority Area. A desk-based Historic Environment Assessment has been carried out for the site and the proposed development, the findings of which have informed the Archaeology Chapter within the Environmental Statement.
- 10.233 It is reported that surviving archaeological remains are likely to consist of post-medieval agricultural remains. Within the underlying alluvium there is also high potential for palaeo-environmental remains. Whilst the site overlies a gravel island on the floodplain, which would potentially have been suitable for settlement and other activity, an archaeological evaluation on the site in 2008 found no evidence for such.
- 10.234 The construction of the proposed west building would remove all archaeological and palaeo-environmental remains within its footprint. The raft foundation for the east building would also remove any remains within its footprint with the exception of features cut into the Gravel.
- 10.235 The 2008 archaeological evaluation established that the potential of the site is likely to be limited to remains of no more than low significance and the council concluded that no further archaeological investigation would be required for the scheme then proposed which included a double basement across the whole site. On this basis the ES concludes that no further archaeological investigation is likely to be required.
- 10.236 The Final Review Report of the ES by Land Use Consultants for the council advised that Archaeological Chapter is acceptable. It recommends an archaeological watching brief during the basement excavation, which would ensure that any previously unrecorded archaeological assets, if present, are not removed without record.
- 10.237 The Greater London Archaeological Advisory Service recommends a condition to require a two stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

Flood Risk

NPPF

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

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

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

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

The London Plan 2016

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

Tower Hamlets Core Strategy 2010

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

Assessment

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

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

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

Sustainable urban drainage (SUDS)

NPPE

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

The London Plan 2016

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

Tower Hamlets Core Strategy 2010

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

Tower Hamlets Managing Development Document 2013

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

Assessment

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

Biodiversity

NPPE

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

The London Plan 2016

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

Tower Hamlets Core Strategy 2010

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

Tower Hamlets Managing Development Document 2013

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

Assessment

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

London City Airport Safeguarding

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

Radio and television reception

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

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

Environmental Impact Assessment (EIA)

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

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

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

10.272 Impact upon local infrastructure / facilities

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

10.274 The NPPF requires that planning obligations must be:

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

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

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

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

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

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

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

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

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

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

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

Other Local finance considerations

10.282 Section 70(2) of the Planning Act provides that in dealing with a planning application a local planning authority shall have regard to:

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

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

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

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

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

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

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

Human rights Act 1998

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

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

Equalities Act 2010

10.289 The Equalities Act provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty when determining all planning applications and representations to the Mayor. In particular, the Committee must pay due regard to the need to:

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

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

11 CONCLUSION

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

Planning Application Site Map PA/15/02528



Planning Application
Site Boundary



Locally Listed Buildings



Land Parcel Address



Consultation Area



Statutory Listed Buildings

0 40 m



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

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