

Committee: Strategic	Date: 13 th July 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Directorate of Place	Title: Application for full planning permission
Case Officer: Richard Humphreys	Ref No: PA/16/01920
	Ward: Limehouse

APPLICATION DETAILS

Location: 82 West India Dock Road, E14 8DJ and land to the east (including West India Dock Road) and bounded by the DLR line to the south, part of the Pennyfields to the east and part of Birchfield Street to the north.

Existing Use: Vacant site and land adjoining highways.

Proposal: Erection of a part 18, part 37 storey building comprising 20,079 m2. (GIA) of residential floorspace (Class C3) (202 residential units comprising 69 x 1 bed, 100 x 2 bed and 27 x 3 bed and 6 x 4 bed), 11,597 m2. (GIA) of hotel floorspace (Class C1) consisting of 320 hotel rooms with ancillary bar and restaurant area, 89 m2. (GIA) of flexible retail and community floorspace (Class A1, A2, A3, D1 and D2), 1,729 sq. m. (GIA) of ancillary floorspace comprising associated plant, servicing areas, cycle parking and refuse stores, demolition and replacement of the existing Westferry DLR staircase, creation of a new 'left turn only' vehicular access from West India Dock Road, hard and soft landscape improvements to the adjacent areas of highway and public realm and other associated works.

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 in formulating its decision.

Submitted drawings:

- 7307-B0-A-B5D9-XP-00-001 REV01 Location Plan
- 7307-B0-A-B5D9-P-00-002 REV01 Site Plan
- 7307-B0-A-B5D9-P-B1-002 Basement Level GA Plan
- 7307-B0-A-B5D9-P-00-001 REV01 Ground Floor GA
- 7307-B0-A-B5D9-P-01-001 REV01 Level 01/Mezzanine GA Plan
- 7307-B0-A-B5D9-P-TYA-001 REV03 Typical GA Plan [Type A]
- 7307-B0-A-B5D9-P-TYB-001 REV03 Typical GA Plan [Type B]
- 7307-B0-A-B5D9-P-TYC-001 REV03 Typical GA Plan [Type C]
- 7307-B0-A-B5D9-P-TYD-001 REV03 Typical GA Plan [Type D]
- 7307-B0-A-B5D9-P-TYE-001 REV03 Typical GA Plan [Type E]
- 7307-B0-A-B5D9-P-TYF-001 REV01 Typical GA Plan [Type F]
- 7307-B0-A-B5D9-P-TYG-001 REV01 Typical GA Plan [Type G]

7307-B0-A-B5D9-P-RFA-001 GA Hotel Roof Plan
 7307-B0-A-B5D9-P-RFB-001 GA Residential Roof Plan
 7307-B1-A-B5D9-P-AL-001 REV01 Residential - Plan Matrix
 7307-B2-A-B5D9-P-AL-001 Hotel - Plan Matrix
 7307-B0-A-B5D9-S-AA-001 REV02 Site Section AA
 7307-B0-A-B5D9-E-N-001 REV01 GA North Elevation
 7307-B0-A-B5D9-E-S-001 REV01 GA South Elevation
 7307-B0-A-B5D9-E-E-001 GA East Elevation
 7307-B0-A-B5D9-E-W-001 REV01 GA West Elevation
 7307-B0-A-B5D9-D-GF1 REV01 Detail Elevation - Typical GF Retail Unit
 7307-B0-A-B5D9-D-GF2 REV01 Detail Elevation - Typical GF Residential/Hotel entrance
 7307-B0-A-B5D9-D-GF3 REV01 Detail Elevation - Typical GF Ancillary/Plant space
 7307-B0-A-B5D9-D-GF4 REV01 Detail Elevation - Typical GF Residential Entrance
 7307-B0-A-B5D9-D-T1 Detail Elevation - Typical North/South Elevation - Residential
 7307-B0-A-B5D9-D-T2 Detail Elevation - Typical East/West Elevation - Residential
 7307-B0-A-B5D9-D-T3 Detail Elevation - Typical East/West Elevation WG - Residential
 7307-B0-A-B5D9-D-T4 Detail Elevation - Typical North/South Elevation - Hotel
 7307-B0-A-B5D9-D-T5 Detail Elevation - Typical East Elevation - Hotel
 7307-A-F200-P-1-01-WA Wheelchair Accessible Unit 1 Bed Configuration
 7307-A-F200-P-2-01-WA Wheelchair Accessible Unit 2 Bed Configuration
 7307-A-F200-P-3-01-WA REV01 Wheelchair Accessible Unit 3 Bed Configuration
 COO7 L100 REV01 Landscape Colour Masterplan
 GF COO7 L101 REV01 Landscape Colour Masterplan Roof Level
 COO7 L102 Landscape Colour Masterplan Hotel Roof level
 COO7 L103 Landscape Colour Masterplan Upper Roof garden
 COO7 L201 REV02 Hard Landscape Plan GF
 COO7 L202 Hard Landscape Plan Hotel Roof Garden
 COO7 L203 Hard Landscape Plan Upper Roof Garden
 COO7 L301 REV02 Soft Landscape Plan GF
 COO7 L302 Soft Landscape Plan Hotel Roof Garden
 COO7 L303 Soft Landscape Plan Upper Roof Garden
 COO7 L501 Section Ground Floor Sheet 1
 COO7 L502 Section Ground Floor Sheet 2
 COO7 L503 Section Upper Roof Garden
 COO7 L504 Section Hotel Roof Garden
 COO7 L900 REV6 Landscape Masterplan Playground Spaces
 COO7 L901 Existing Landscape Plan
 COO7 L902 REV01 Landscape Masterplan Wider development Boundary Area Calculations.

Submitted documents:

Planning Statement [GVA July 2016]
 Design and Access Statement (including Landscape Strategy)

[Simpson Haugh & Partners, July 2016]
Environmental Statement Volume I (Main Chapters) [AECOM, June 2016]
Environmental Statement Volume II (Townscape, Visual and Built Heritage Assessment) [Peter Stewart Consultancy & Cityscape, June 2016]
Environmental Statement Volume III (Technical Appendices) [AECOM, June 2016]
Environmental Statement Non-Technical Summary [AECOM, June 2016]
Energy Strategy [AECOM, July 2016]
Sustainability Statement [AECOM, June 2016]
Daylight and Sunlight Supplementary Report [eb7, June 2016]
Statement of Community Involvement [Capital Management & Consultancy, July 2016]

Post submission

Design and Access Statement Addendum [Simpson Haugh & Partners, May 2017]
Updated Air Quality Post Planning Technical Note [AECOM, April 2017]
GLA Stage 1 Report - Response (Energy Strategy) [AECOM, October 2016]

Applicant: West India Property Investments Limited

Ownership: West India Property Investments Limited and the London Borough of Tower Hamlets

Listed buildings: None on site. The following listed buildings are in close proximity:

Westminster Bank ILEA Careers Office, 52 East India Dock Road (Grade II),
Commercial Road Nos. 680, 777-783, 795-805, 811, 815-821 (Grade II),
Limehouse Church Institute, Three Colt Street (Grade II),
80 Three Colt Street (Grade II),
St. Dunstan's Wharf (Grade II),
Dunbar Wharf (4 warehouses Grade II),
Limekiln Dock (Grade II),
Sailmakers and Chandlers, 11 West India Dock Road (Grade II),
Quadrangle Stores West India Dock, West India Dock Road (Grade II),
148 and 150 Narrow Street (Grade II),
Salvation Army Hostel, Garford Street (Grade II),
10,12, 14, 16 Garford Street (Grade II),
Cannon Workshops, Cannon Drive (Grade II),
Import and Export Dock, West India Dock North Quay (Grade I),
Warehouses and General Offices, West India Dock Road (Grade I),
Former Excise Office, West India Dock Road (Grade II),
West India Dock former Guard House (Grade II),
St Anne's Limehouse Parish Church (Grade I – Ecclesiastical Grade A)
Limehouse Town Hall (Grade II)
St Joseph Roman Catholic Church (Grade II).

Conservation area: Adjacent to West India Dock Conservation Area. The following conservation areas adjoin:

St Anne's Church Conservation Area (150 m. to the north-west),
Narrow Street Conservation Area (197 m. to the south-west),
Lansbury Conservation Area (100 m. to the north-east),
Limehouse Cut Conservation Area (north of East India Dock Road).

2. EXECUTIVE SUMMARY

- 2.1 The application site is vacant and unallocated in the Local Plan. Two past planning permissions have been granted for redevelopment for both a residential led scheme and a hotel. The current application has been assessed against the development plan for the area that comprises the London Plan 2016 and the Tower Hamlets Local Plan (jointly the Core Strategy 2010, the Managing Development Document 2013 & Adopted Policies Map), the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and relevant supplementary planning documents including the Mayor's '*Housing*' SPG 2016, and the Building Research Establishment's handbook – '*Site layout planning for daylight and sunlight: a guide to good practice.*'
- 2.2 In land use terms officers consider that the proposed residential and hotel scheme with ground level retail or community use would be appropriate adjacent to Westferry DLR station within the Isle of Dogs and South Poplar Opportunity Area.
- 2.3 The proposal would not accord with development plan policy regarding the optimisation of housing potential. The proposed residential density and resultant height, bulk and relationship with adjoining residential property on Salter Street would result in significantly adverse impacts typically associated with overdevelopment in terms of unacceptable loss of natural light, overshadowing and increased sense of enclosure. Child play space within the development would also be insufficient and could not be satisfactorily mitigated by the use of local authority owned land adjoining the surrounding main roads. The unacceptable impacts are considered serious and to significantly outweigh the potential public benefits of the scheme by returning a long vacant site to beneficial use, by the provision of new housing including affordable housing, employment within the hotel and works to land adjoining neighbouring highways. Such benefits could be achieved by an alternative scheme that pays greater regard to the site's context.
- 2.4 There is some concern that due to proximity to Cayman Court there could be unacceptable overlooking and loss of privacy. The separation between habitable rooms in the development and Cayman Court would be approximately 15.5 m. which would be beneath the council's minimum standard of 18 m. Such a distance is not uncommon across roads in Tower Hamlets and on balance it is considered adequate privacy would ensue.
- 2.5 The development would conflict with the development plan's criteria for the location of tall buildings and adversely impact on heritage assets. Exceptions to tall buildings policy have previously been justified on this '*gateway*' site where proposals for 20-storey and 16-storey buildings have been accepted by

the Planning Inspectorate, the Greater London Authority and the local planning authority. The 37-storey building now proposed is considerably taller and would not be of an appropriate scale, form and composition for the surrounding context. The scheme would fail to preserve or enhance the character and appearance of three of the four surrounding conservation areas (West India Dock, St Anne's Church and Narrow Street), unacceptably impact on important local views and adversely affect the setting of statutorily listed buildings particularly the former Warehouses and General Offices, West India Dock (Grade 1), St Anne's Limehouse Parish Church (Grade I – Ecclesiastical Grade A) and the group at Limekiln Dock (Grade II).

- 2.6 The development would provide a suitable mix of housing types and tenure. The 34% affordable housing offer is considered satisfactory. The applicant has offered a review mechanism.
- 2.7 Transport matters, including parking, access and servicing arrangements are considered acceptable in principle subject to conditions and legal agreements, although use of council owned land would need to be settled. There is adequate capacity on the public transport network to serve the development.
- 2.8 The scheme would fail to meet development plan policy on carbon emission savings. In mitigation a carbon offsetting financial contribution has been offered in line with council policy.
- 2.9 Flood risk would be satisfactory. The applicant has yet to formulate a surface water drainage strategy but planning permission could be conditioned to require the implementation of a surface water drainage scheme based on sustainable drainage principles.
- 2.10 Subject to conditions, biodiversity, waste management, noise and vibration, air quality, decontamination, electronic interference and airport safeguarding would all be satisfactory.
- 2.11 A Wind Assessment Review has been commissioned from the Building Research Establishment. Based on the BRE's report, officers advise that it has not been satisfactorily demonstrated that the proposed development would result in satisfactory microclimate conditions within the development, within the surrounding public realm and for users of the Docklands Light Railway.
- 2.12 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.*
- 2.13 Once the council has resolved to determine its decision on the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the council to determine it 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 3.6 '*Children and young people's play and informal recreation facilities*,' Policy 7.6 '*Architecture*,' Tower Hamlets Core Strategy 2010 Policy SP02 '*Urban living for everyone*,' Tower Hamlets Managing Development Document 2013 Policy DM4 '*Housing standards and amenity space*' and the Mayor's '*Housing*' Supplementary Planning Guidance 2016. This is explained further in the reasons below.

Urban design and heritage assets

2. Planning permissions for the redevelopment of 82 West India Dock Road in 2007 and 2010 determined that a tall building would be appropriate to mark Westferry DLR station. The building now proposed is very different in terms of height, mass and resultant impact. The proposed height, mass and scale would be excessive relative to local character. There would be a failure to preserve or enhance the character and appearance of three surrounding conservation areas and adverse impact on the setting of buildings of architectural or historic interest causing either substantial or less than substantial harm to designated heritage assets. There is particular concern about impact on the Grade 1 Warehouse at West India Dock, the group of Grade II buildings at Limekiln Dock and the Grade 1 St. Anne's Church together with their associated conservation areas.

The proposed development consequently conflicts with planning policy at national, regional and local levels. The scheme would not be consistent with NPPF Chapter 7 '*Requiring good design*' paragraphs 58 and 59, Chapter 12 '*Conserving and Enhancing the Historic Environment*,' London Plan Policy 7.4 '*Local character*,' Policy 7.7 '*Location and design of tall and large buildings*,' Policy 7.8 '*Heritage assets and archaeology*,' Tower Hamlets Core Strategy Policy SP10 '*Creating distinct and durable places*' and the Managing Development Document Policy DM24 '*Place sensitive design*,' Policy DM26 '*Building heights*' and Policy DM27 '*Heritage and the historic environment*.' Whilst the proposal would result in public benefits by bringing a long vacant site back to beneficial use, by the provision of new housing including affordable homes and employment within the hotel; it is not considered these would outweigh the harm that would be caused and such public benefits could be achieved by an alternative scheme paying regard to its context and not causing such demonstrable harm.

Impact on the surroundings

3. The development would unacceptably impact on the amount 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's publication *'Site Layout Planning for Daylight and Sunlight a guide to good practice'* 2011. There is particular concern about impacts on Cayman Court and Compass Point, Salter Street. 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.'* 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.

Amenity space

4. The development would fail to provide adequate and practical child play space assessed against Design Standard 5 of the Mayor's *'Housing'* SPG 2016 and the *'Shaping Neighbourhoods: Play and Informal Recreation'* SPG 2012. This would be contrary to London Plan 2016 Policy 3.5 *'Quality and design of housing developments,'* Policy 3.6 *'Children and young people's play and informal recreation facilities,'* Policy 7.6 *'Architecture'* and Tower Hamlets Managing Development Document 2013 Policy DM4 *'Housing standards and amenity space'* and further indicates overdevelopment of the site.

Microclimate

5. It has not been satisfactorily demonstrated that the proposed development would result in satisfactory microclimate conditions within the development, within the surrounding public realm and for users of the Docklands Light Railway. This conflicts with London Plan 2016 Policy 7.7 *'Tall and large scale buildings, the Mayor's Sustainable Design and Construction SPG 2014, Tower Hamlets Core Strategy 2010 Policy SP10 'Creating distinct and durable places' and Tower Hamlets Managing Development Document 2013 Policy DM24 'Place sensitive design' and Policy DM26 'Building heights.'*

4 SITE AND SURROUNDINGS

- 4.1 The site 82 West India Dock Road is vacant following the demolition in 2008 of a former 2-storey print works, warehousing and offices. It is an irregularly shaped island site of approximately 0.156 hectares enclosed by a hoarding and surrounded by highways. It lies adjacent to Westferry DLR Station with its railway viaduct and east bound access stair on Limehouse Causeway to the south; West India Dock Road (A1261) and Mandarin Street to the north; Salter Street to the west; and Westferry Road (A1206) to the east. All these highways are borough roads. The closest part of the Transport for London Road Network (TLRN) is Aspen Way to the east and the A13 East India Dock Road 350 m. to the north.
- 4.2 Salter Street is a cul-de-sac, its original exit onto West India Dock Road having been closed and a parking area for five cars laid out on its north eastern side. There is a *'buses only'* exit from Salter Street onto West India Dock Road. Mandarin Street is also a short cul-de-sac without access to West India Dock Road. A parking area for six cars has been laid out on its northern side.

- 4.3 The application site (within the red line boundary) measures approximately 1.58 hectares and includes extensive areas of council owned highway land within and adjoining West India Dock Road, Westferry Road, Salter Street, Mandarin Street and Limehouse Causeway. The outer red line denotes the extent of landscaping, open space, public realm works and new community facilities proposed by the applicant on these highway lands.

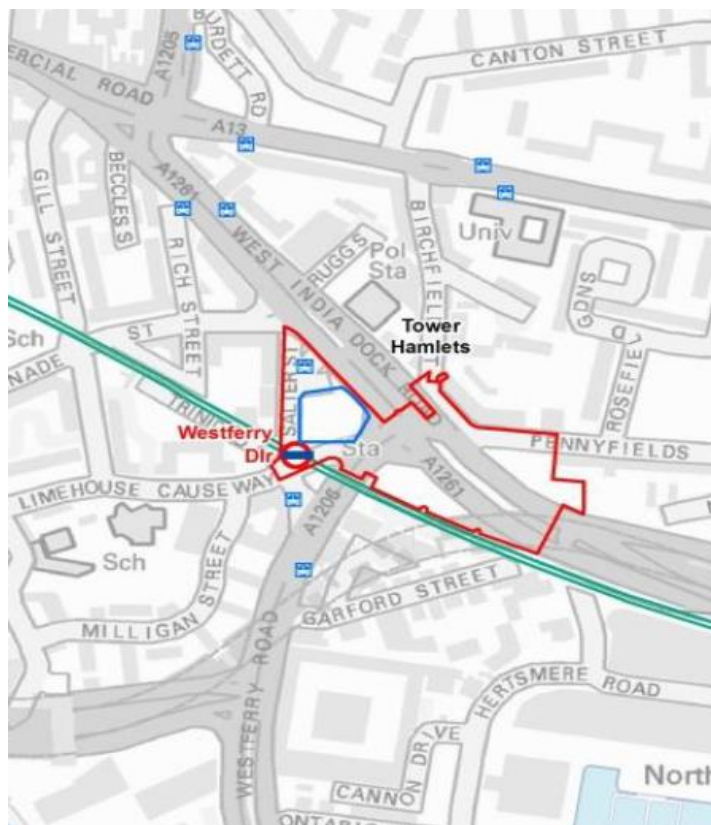


Figure 1 – Development site edged blue and outer red line area of public realm works

- 4.4 Within the proposed development site, the northern half of Mandarin Street and a small area of land east of the southern part of Salter Street, indicated on Figure 2 below, are owned by the council.

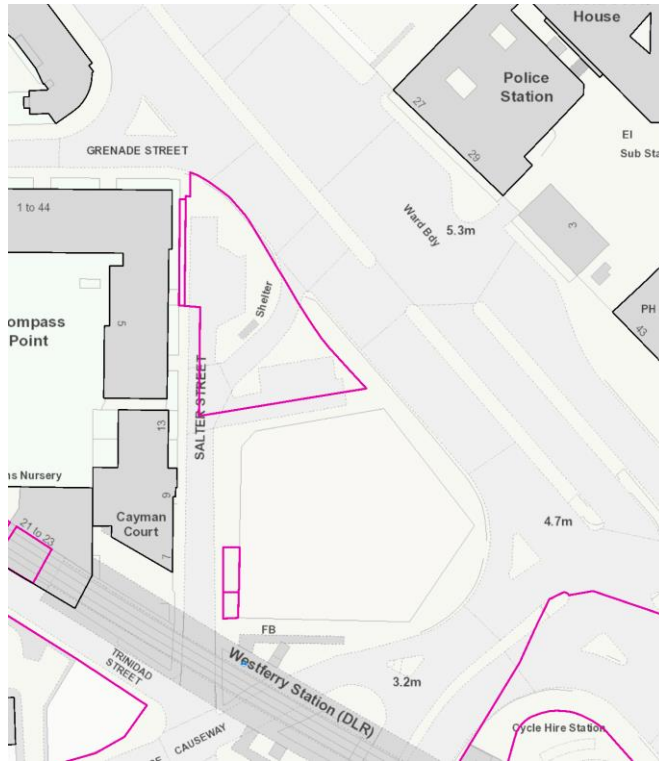


Figure 2 – Land in LB Tower Hamlets’ ownership edged pink

- 4.5 The surrounding area is mixed in character but predominantly residential. Immediately to the west on Salter Street lies Cayman Court, a recent part 4, part 6-storey development of 17 flats with a dental surgery on part of the ground floor. To the north, Compass Point on the corner of Salter Street and Grenade Street comprises a modern part 3, part 4-storey block of residential flats. North of Grenade Street, with a frontage to West India Dock Road, 1-32 Rich Street is a modern 4-storey block of residential flats. South of the DLR, on both sides of Westferry Road, the area has been redeveloped with a number of residential blocks that range in height from 5 to 7-storeys.
- 4.6 Opposite the site on the north eastern side of West India Dock Road, the area is again predominately low to mid rise. There is a 3-storey local shopping parade with residential on the upper two floors, a 3-storey public house, a 4-storey police station and office block and a 6-storey block of flats. There is an isolated 12-storey residential 1960’s block further east at Pennyfields.
- 4.7 The high rise office towers of Canary Wharf, some 700 m. to the south east, provide a backdrop to the site, particularly views southeast along West India Dock Road. At its closest, 82 West India Dock Road is some 228 m. from the Canary Wharf Town Centre boundary and 158 m. from the Canary Wharf Activity Area designated in the Tower Hamlets Local Plan.
- 4.8 The development site does not lie within a conservation area. The nearest conservation area is West India Dock Conservation Area designated November 1982 (53 m. to the south east) with a small area of land at the south eastern extent of the red line application site lying within the designated area.
- 4.9 The closest boundaries of nearby surrounding conservation areas are:

- St Anne's Church Conservation Area designated July 1969 and extended in October 2008 (150 m. to the north-west),
- Narrow Street Conservation Area designated in December 1975 and extended in October 2008 (197 m. to the south-west)
- Lansbury Conservation Area designated January 1997 (100 m. to the north-east).

4.10 The Limehouse Cut Conservation Area, designated 3rd August 2011, lies to the north of East India Dock Road and St Anne's Church Conservation Area and is considered sufficiently distant from the application site not to be materially affected.

4.11 There are numerous listed buildings nearby which are listed in '*Application Details*' above. The most important relative to the application are:

- The Import and Export Dock West India Dock North Quay - Grade I
- The Warehouses and General Offices West India Dock Road - Grade I
- St Anne's Limehouse Parish Church (Grade 1 – Ecclesiastical Grade A)
- Limehouse Town Hall - Grade II
- Limekiln Dock and associated building around the Dock and on Narrow Street – Grade II

4.12 Vehicular access to the development site is from Salter Street. Pedestrian access is from West India Dock Road, Limehouse Causeway and Salter Street.



Figure 3 - Vacant site 82 West India Dock Road. Westferry DLR station access steps in foreground



Figure 4 - Vacant site 82 West India Dock Road. Salter Street, Cayman Court and Compass Point on the left

- 4.13 The site has a TfL public transport accessibility level PTAL 6a 'Excellent'. The DLR provides services to Canary Wharf, central London, Stratford, the Royal Docks, Woolwich, London City Airport and Lewisham. The Elizabeth Line (Crossrail) is due to open in 2018 with a station at Canary Wharf. A number of bus routes serve West India Dock Road, Westferry Road and Limehouse Causeway. The closest bus stops are on Salter Street, serving routes 277, D3 and D7. Additionally routes 15 and 115 are within walking distance on East India Dock Road.
- 4.14 The site 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 the Thames flood defences to 1 in a 1,000 year probability (Low Risk).
- 4.15 Cycle Superhighway 3 is located 50 m. to the south of the site on Limehouse Causeway. The area is served by the Mayor's Cycle Hire scheme and the nearest station is 'Westferry DLR' which provides 39 docks.
- 4.16 The site lies within a controlled parking zone, a London City Aviation Safeguarding Zone, the Limehouse Neighbourhood Planning Area, and the Crossrail SPG Charging Zone. The entire Borough of Tower Hamlets is an Air Quality Management Area.

5 PROPOSAL

- 5.1 Application is made for full planning permission for the construction at the site of 82 West India Dock Road of a part 18, part 37-storey building comprising 20,079 m². (GIA) residential floorspace, an 11,597 m². (GIA) 320 bedroom hotel (Use Class C1) with ancillary bar and restaurant, 89 m². (GIA) of flexible retail and community floorspace (Use Classes A1, A2, A3, D1 or D2) and 1,729 m². (GIA) ancillary floorspace comprising plant, servicing areas, cycle parking and refuse stores.
- 5.2 There would be 202 residential units comprising 69 x 1 bed, 100 x 2 bed and 27 x 3 bed and 6 x 4 bed. The affordable housing offer is 33.7% by habitable rooms with a viability review mechanism offered. The proposed dwelling and tenure mix is as follows:

	1 bed	2 bed	3 bed	4 bed	Total
Market	50 (35%)	78 (54.5%)	15 (10.5%)	0	143
Intermediate	8 (40%)	12 (60%)	0	0	20
Affordable/rented	11 (28.2%)	10 (25.6%)	12 (30.8%)	6 (15.4%)	39
Total	69 (34%)	100 (50%)	27 (13%)	6 (3%)	202

Figure 5 - Proposed dwelling and tenure mix

- 5.3 A breakdown of the proposed residential mix and tenure split assessed against Local Plan policy is provided in 'Material Planning Considerations' – Section 10 below.
- 5.4 The hotel would occupy the eastern 18-storey part of the building. The residential accommodation would occupy a western 37-storey element, the upper floors partially over-sailing the hotel. Communal residential gardens would be provided on the roofs of both building elements. The hotel reception and entrance to the market housing would be on Mandarin Street. The affordable housing entrance would be off Salter Street. Two small flexible use units would be provided at ground floor on the southern elevation providing an active frontage to a new public space adjacent to Westferry DLR station. A single storey basement would accommodate plant and ancillary space, the residential refuse store and a bicycle store. The scheme would be 'car free' except for three parking spaces off Salter Street for disabled motorists. The applicant suggests two spaces could be used for the affordable house and one space for the hotel.
- 5.5 A new 'left turn only' vehicular access would run from West India Dock Road to Mandarin Street which would become a one-way private street. Vehicular egress would be via Salter Street to Limehouse Causeway.
- 5.6 The development includes the replacement of the existing eastbound staircase to Westferry DLR station, with provisional indicative drawings supplied.

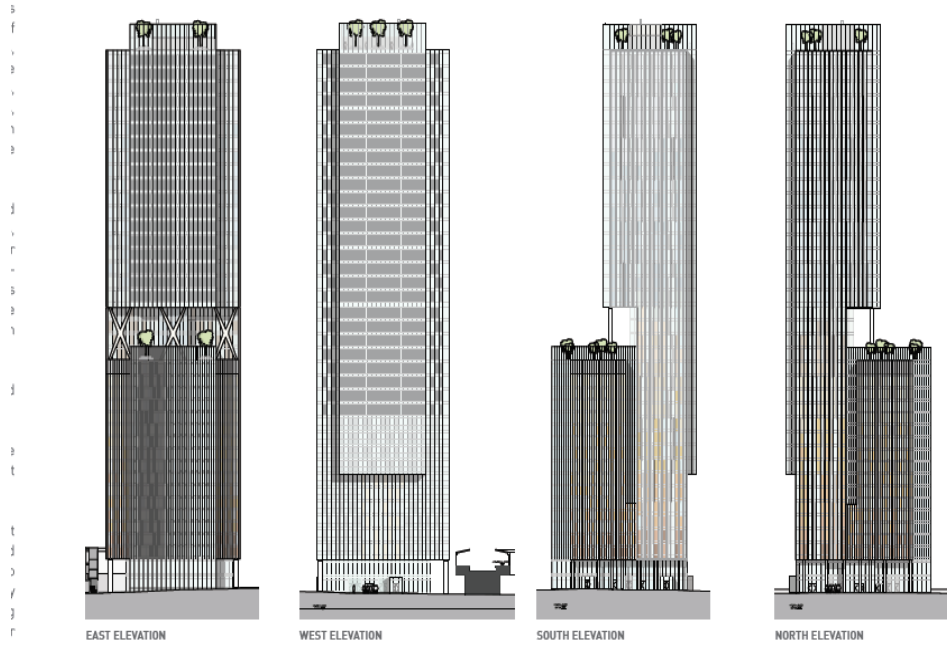


Figure 6 – Proposed Elevations



Figure 7 – CGI Proposed view south east on West India Dock Road



Figure 8 – CGI Proposed view north on Westferry Road

5.7 The proposals include indicative landscape, public realm works and potential community leisure facilities to areas of council owned land adjacent to the public highway at Salter Street and at locations described by the applicant as Westferry DLR station, the Site Entrance, a North Plaza. Westferry DLR South Park, West India Dock Road central reservation and Pennyfields Pocket Park.

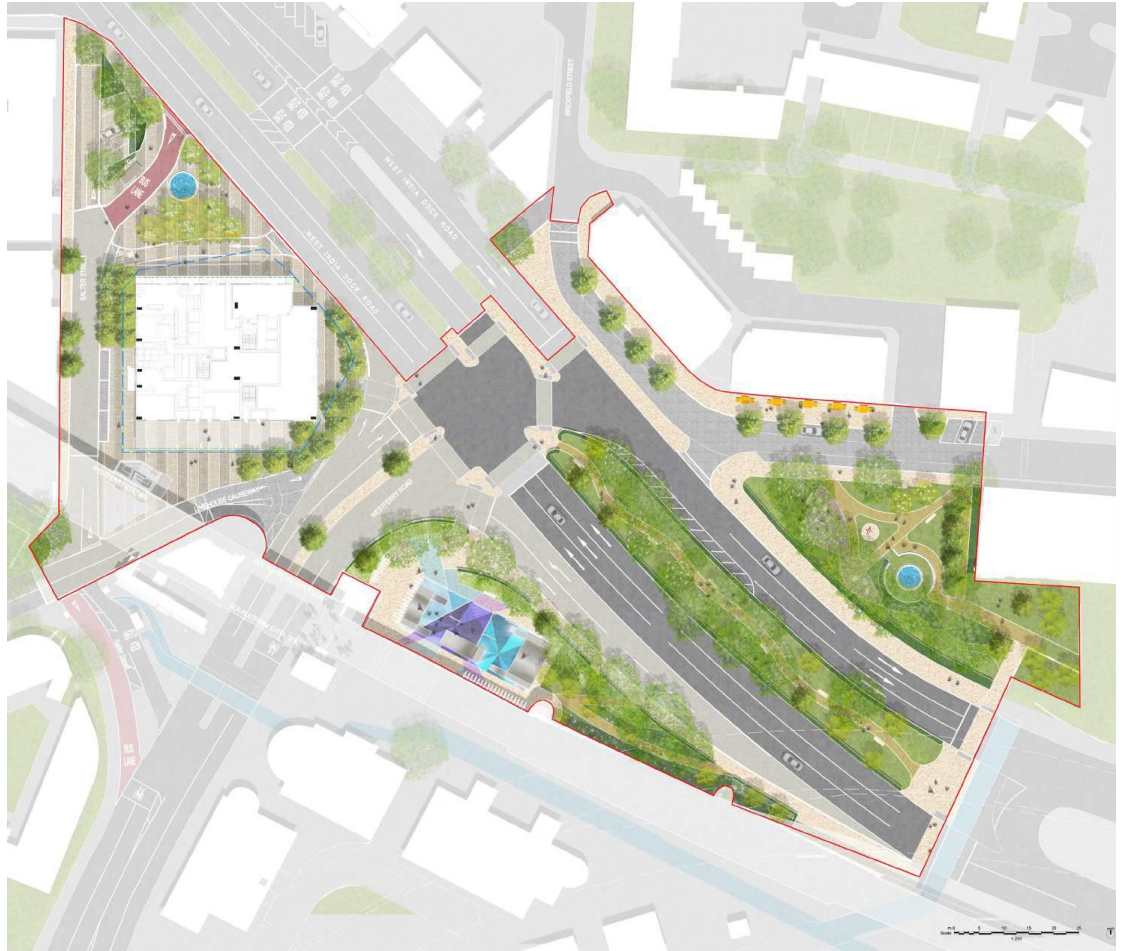


Figure 9 – Areas of proposed landscaping, amenity & public realm improvements

6 MATERIAL PLANNING HISTORY

Application site

- 6.1 PA/04/01038. Demolition of existing buildings and redevelopment by a 7-storey building (22.6 m.) and a 20-storey building (69 m.) for mixed use purposes (1,442 m² of commercial floorspace and 120 flats). A paved public concourse between the two buildings, public art, DLR ticket machine and a glazed canopy overhead. Conditional planning permission granted by the Planning Inspectorate on appeal 9th May 2007. Not constructed.



Figure 10 – CGI of permitted 20-storey residential led scheme PA/04/01038

- 6.2 PA/09/02099. Erection of a part 3, 14 and 16-storey buildings to provide a 252 room hotel with conference rooms, restaurant, cafe and bar, drop-off area and servicing access off Salter Street. Permitted 15th July 2010. The applicant claims the permission has been implemented by a statutory start. Not constructed.



Figure 11 - CGI of permitted 16-storey hotel scheme PA/09/02099

- 6.3 Planning permission PA/09/02099 was subject to agreements under section 106 of the Planning Act and section 278 of the Highways Act that inter alia secured a financial contribution to the council of £125,000 to upgrade leisure and recreation facilities off site, a contribution £15,000 to fund public realm improvements on local authority land, the developer undertaking public realm works within the site to a value of £280,000, the stopping up of Mandarin Street, the provision of a public walkway and the widening of Salter Street.
- 6.4 Whilst the making of a statutory start, may have been secured planning permission PA/09/02099 from time expiring, the development cannot be built as permitted until arrangements are in place about construction on council land and the use of jointly owned Mandarin Street to provide access.
- 6.5 PA/10/02700 & PA/12/00640. Non-material amendments to the permitted hotel approved 13th January 2011 and 17th April 2012.

Cayman Court, 9 Salter Street

- 6.6 PA/11/01640. Erection of part 4, part 6 storey buildings to provide 95 m2 of ground floor commercial space and 17 residential units (Cayman Court). Permitted 23rd March 2012. Constructed.
- 6.7 PA/15/00175. Vertical extension of Cayman Court by part 3 part 2 storey additions to form 9 residential dwellings. Refused 24th March 2015. Reason 2 explained:

“The proposed extension would result in a building of excessive height that would be to the detriment of the local character and street scene. The proposal has not been sensitively designed and fails to adequately take account of the surrounding context. As such, the proposal fails to meet the requirements of policies SP10 of the Core Strategy 2010 and DM24 of the Managing Development Document 2013.”

Pre-application advice

PF/13/00210

- 6.8 Proposal: Erection of a 49-storey residential tower with ground floor community facilities and a low rise-community/commercial building on council land to the south-east. Public realm improvements including resurfacing and the greening of the traffic islands on West India Dock Road and alterations to pedestrian crossings.
- 6.9 By letter dated 9th April 2015, advice was provided that may be summarised as:

Building height

- 6.10 MDD Policy DM26 ‘Building heights’ applies a Town Centre hierarchy, ranging from high rise within Preferred Office Locations with building heights decreasing from the CAZ, District Centres and Neighbourhood Centres. This indicates that new buildings on sites outside town centres should be low-rise.
- 6.11 The site is not within a designated Town Centre or Activity Area. Given its location adjacent to West India Dock Road, on a key route to the Isle of Dogs and Canary Wharf, the site could be considered a ‘gateway’ where a building taller than its surroundings may be appropriate. However, given the location outside the Town Centre Hierarchy and the huge disparity in height with the

surrounding built form, the proposals conflict significantly with Policy DM26. The extent of harm to the local townscape would not be outweighed by the scheme's benefits. A building of approximately 20-storeys is considered the upper limit. A revised scheme should include an assessment of impacts on surrounding heritage assets.

Design approach

- 6.12 No objections to high level communal gardens but they should not be segregated by tenure or impact on adjoining residential accommodation. Details of child play space required.
- 6.13 No objections in principle to the linking of the building with Westferry DLR station but details required following consultation with DLR.
- 6.14 The land to the north-west includes on-street resident's parking bays. The loss of on-street parking bays will not be supported.

Land assembly

- 6.15 The Title of the council land between the DLR viaduct and West India Dock Road includes a restriction under the Open Spaces Act 1906. The land is also identified as Public Open Space within the Council's Open Space Strategy. Development on Public Open Space will only be allowed exceptionally where essential facilities are provided to ensure the function, use and enjoyment of the open space, or where a wider development proposes an increase of high quality open space (Core Strategy Policy SP04 (1) '*Creating a green and blue grid*' and MDD Policy DM10 '*Delivering open space*').
- 6.16 The aspiration to extend the red line boundary of the application site across West India Dock Road to undertake public realm works raises concerns around the deliverability of the works to the TLRN and council owned land and how these spaces would be maintained in perpetuity.

PF/15/00048

- 6.17 Proposal: Erection of a hotel & residential development comprising a part 18, part 36 storey tower. By letter dated 18th January 2016 (incorrectly referenced PF/13/00210) further advice was provided that may be summarised as follows:

Building height

- 6.18 While the height & bulk of the scheme have reduced from the previously proposed 50-storeys, the drastic increase in height & bulk from the 2009 scheme still raises significant concerns. Unconvinced that there is sufficient justification for a building of such height & bulk in this location, particularly given the 2009 scheme was more successful in stepping down towards Salter Street and its tower element presented a much more slender silhouette, providing more of a transition to the site's low-rise context. The principle of the hotel use has been established and does not raise concern provided that servicing and coach drop-off can be appropriately accommodated and that the quality of residential accommodation is not prejudiced.

Open space and public realm improvements

- 6.19 The quality and quantum of publicly accessible open space and public realm improvements in this location have been identified by both the GLA and LBTH as key to the acceptability of any development larger than the previous schemes, but must meet the CIL Regulations tests, by being directly related to the development. It is likely that the improvements would have to be limited to

the broadly triangular area defined by Salter Street, Limehouse Causeway, Westferry Road and West India Dock Road with land located on the opposite side of these roads being insufficiently related to the application site.

- 6.20 Improved areas must also be located within the red line site boundary with land ownership issues resolved. Other than some highway land, the majority of council land within the triangular area is not designated for any particular purpose and LBTH Asset Management would normally require the developer to acquire full legal interest in the land to carry out the improvements. The applicant should assemble the land required to deliver the development, including the land which would serve as public open space and public realm. The applicant would take responsibility for maintenance of these areas. Initial discussions with LBTH Highways, Parks & Asset Management have been positive with the principle of the works welcomed.

Concluding advice

- 6.21 The proposals remain at odds with the local context with significant concerns raised by excessive bulk and height. Efforts should be made to provide a more contextual response. Whilst the proposed public realm and open space improvements are welcome, land ownership and delivery issues should be resolved prior to submission.

Conservation and Design Advisory Panel (CADAP)

- 6.22 CADAP reviewed the pre-application proposals on 11th April 2016. The Panel agreed the site needs redevelopment and it would benefit the area if it returned to active use. Agreed that the public realm immediately adjacent and in the general vicinity needs improvement. However, the Panel raised serious concerns about the scale, mass and design and considered the proposal overdevelopment.
- 6.23 The Panel considered a 37-storey building excessive. Of particular concern was the disparity in scale with the predominantly low-rise townscape along West India Dock Road. The Panel were not convinced by the attempt to place the building in the context of tall buildings in and around Canary Wharf, advising a building of this height would appear isolated in this location.
- 6.24 The Panel noted the very high residential density. Notwithstanding the good PTAL, London Plan density ranges would be significantly exceeded. The Panel did not consider the proposed residential density justified as the site is not within a town centre, nor within an area identified as suitable for tall buildings. Concern was raised that a development of this height and density would create an unacceptable precedent for the area.
- 6.25 Daylight and sunlight impacts on neighbours and impacts on the surrounding highway network would be important issues.
- 6.26 The Panel considered that the design at lower levels showed a poor response to the surrounding street scene, failing to create a human scale of development. Also of concern was the amount of glazing and transparency at the lower levels, particularly the ground floor. The building should exhibit a greater degree of solidity at the lower levels to better relate to the surrounding streetscape.
- 6.27 The Panel welcomed the aspiration to improve the DLR station access stair but thought that the proposal would actually compromise the quality of access.

Bringing the stair down underneath the colonnade at the foot of the building may compromise the legibility of the station access.

- 6.28 The Panel commented that the design and layout of the residential units appeared quite spacious. However, further work was required to explain how the proposed winter gardens would work – questioning the degree that the gardens could be opened up, and whether the method of enclosure results in any loss of daylight or sunlight to habitable rooms. Further work should be done to demonstrate the quality of the high-level amenity spaces.

7 LEGAL AND 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).
- In considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. (Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990)
- To pay special attention to whether the development would preserve or enhance the character or appearance of the surrounding conservation areas (Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) 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.

- 7.3 The following national, regional and local planning policies and supplementary planning documents are most 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 Regional policy

The London Plan 2016

- 2.9 Inner London
2.13 Opportunity Areas
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
- 4.5 London's visitor infrastructure
- 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
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

7.6 Local policy

Tower Hamlets Core Strategy 2010 (CS)

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

Tower Hamlets Managing Development Document 2013 (MDD)

- DM0 Delivering sustainable development
- DM1 Development within the town centre hierarchy
- DM2 Local shops
- DM3 Delivery homes
- DM4 Housing standards and amenity space
- DM7 Short stay accommodation
- DM8 Community infrastructure
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water spaces
- DM13 Sustainable drainage
- DM14 Managing waste
- DM15 Local job creation and investment
- DM20 Supporting a sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building heights
- DM27 Heritage and the historic environments
- DM28 World heritage sites
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated land

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
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

Planning Obligations SPD – September 2016
Community Infrastructure Levy (CIL) Regulation 123 List September 2016
Tower Hamlets Conservation Areas Character Appraisals & Management
Guidelines:

- West India Dock adopted 7th March 2007
- St Anne's Church adopted 4th November 2009
- Narrow Street adopted 4th November 2009
- Lansbury adopted 5th March 2008
- Limehouse Cut adopted 3rd August 2011

Historic England Guidance Notes

Historic England Advice Note 4 -Tall Buildings 2015

Building Research Establishment

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

Tower Hamlets Community Plan

7.8 The following Community Plan objectives:

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

Allocations

The London Plan 2016

7.9 The Plan identifies the broad location of the Isle of Dogs & South Poplar Opportunity Area (Map 2.4 page 79). Map 2.5 page 81 also shows the site lying within an 'Area of Regeneration.' The proposed building would be visible in the following strategic views identified in the Mayor of London's View Management Framework SPG:

London Panoramas:

1A1 – Alexandra Palace
2A.1 Parliament Hill
4A.1 Primrose Hill
6A.1 Blackheath Point

River prospects

11B – London Bridge

15B – Waterloo Bridge

Tower Hamlets Local Plan

- 7.10 The development site is identified in the Core Strategy as within the ‘*Place of Limehouse.*’ It is unallocated in the Local Plan except for being identified within a Flood Risk Area.
- 7.11 The site lies outside the Canary Wharf town centre boundary (228 m. distant) and outside the Canary Wharf Activity Area (158 m. distant).
- 7.12 A Cycle Super Highway runs along Limehouse Causeway and Westferry Road.
- 7.13 Part of the Tower Hamlets Green Grid runs along Narrow Street, Limehouse Causeway and across West India Dock Road to Pennyfields,
- 7.14 The Limehouse Vision Diagram (Core Strategy Fig. 53) shows a new neighbourhood centre running along both sides of West India Dock Road towards Westferry DLR Station from East India Dock Road.

Emerging policy

Tower Hamlets Draft Local Plan 2031

- 7.15 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.

The Isle of Dogs & South Poplar Opportunity Area Planning Framework

- 7.16 A Planning Framework for the Opportunity Area is being written by the GLA with help from Tower Hamlets with adoption anticipated in 2018. The Draft Framework shows the site 82 West India Dock Road located within the OAPF, the western boundary running to Limehouse Basin.

8 CONSULTATION

- 8.1 The following bodies have been consulted. Representations received are summarised below. The views of the Directorate of Place are expressed in ‘**MATERIAL PLANNING CONSIDERATIONS**’ below.

External consultees

Greater London Authority

- 8.2 The Mayor considered the application at Stage 1 on 5th September 2016. The council was informed that the application does not comply with the London Plan but remedies could address deficiencies:

- Housing: The principle of residential use is consistent with London Plan policies, and is supported. The housing mix, density, and play space proposals are supported.
- Visitor infrastructure: The provision of a new hotel and a small element of flexible commercial/community space adjacent to a DLR station are supported.
- Public open space: The proposals for improved public open space are supported in line with London Plan policy.
- Affordable housing: 32% (by habitable room) is proposed, made up of affordable rent (40 units) and intermediate (16 units). It is recognised that the applicant is proposing to fund the upgrade of significant areas of public open space and provide new and improved access to the DLR station as part of the application; however the scale of these financial contributions is not yet known. Subject to confirmation of these sums, there may be scope to increase the level of affordable housing in this very high density scheme adjacent to a DLR station. GLA officers will work with the council to robustly assess the viability in order to confirm that the proposal will supply the maximum reasonable amount of affordable housing.
- Urban design, tall buildings and strategic views: The height, layout, massing and architecture of the building are supported and raise no concerns regarding strategic views. The proposed upgrade of public open space is strongly supported, and details of the contributions / mechanisms / maintenance arrangements should be provided to GLA officers when available. Residential quality is high.
- Historic environment: The proposed building will cause '*less than substantial*' harm to heritage assets, which will be outweighed by considerable public benefits, including the regeneration of the long vacant site, additional market and affordable housing of a high quality, a large area much improved public space, improved access to the DLR station, as well as economic and regenerative benefits to the wider area.
- Inclusive design: The proposals are acceptable in relation to inclusive design. The Council should secure M4 (2) and M4 (3) requirements by condition.
- Transport: In accordance with London Plan Policies 6.1, 6.2, 6.4, 6.5, 6.7, 6.9 and 6.10, the applicant should also increase the capacity of the relocated Westferry cycle hire station by 10 spaces, provide full details of cycle parking, a car parking management plan, PERS audit, CLoS, full construction logistics plan, full travel plan, delivery and servicing plan and a Crossrail contribution.
- Climate change: The carbon dioxide savings fall short of the target within London Plan Policy 5.2 and the applicant should consider the scope for additional measures aimed at achieving further carbon reductions, and discuss carbon off-setting contributions with the Council. Further information on carbon savings and renewable technologies should also be provided before compliance with London Plan energy policy can be verified. The proposals are acceptable in terms of London Plan Policies 5:12 'Flood Risk' and 5:13 'Sustainable Drainage'.

8.3 In a subsequent message dated 6th June 2017, GLA officers advised all pre-Stage 2 applicants and the London boroughs that in accordance with the

Mayor's Draft Affordable Housing and Viability SPG 2016 (adoption anticipated September 2017) affordable housing reviews will be required as follows:

- An early review where an agreed level of progress on implementing the permission (to be agreed by applicant and LPA, and / or the Mayor where relevant, on a site-by-site basis) 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.

Transport for London (TfL)

8.4 Advises that the scheme is satisfactory but stipulates a number of matters to ensure compliance with the London Plan:

1. Occupiers prevented from securing on-street parking permits through a section 106 agreement,
2. A Car Parking Management Plan secured by condition. It is unclear how the needs of all Blue Badge users will be met within the identified bays,
3. Full details of cycle parking and design (including reference to London Cycling Design Standards,
4. The applicant should agree with the Council the ongoing maintenance of areas of public realm improvement,
5. The applicant should submit a Pedestrian Environment Review System (PERS) audit,
6. The applicant should submit a Cycle Level of Service from the site travelling south along Salter Street, navigating the junction with Limehouse Causeway to Cycle Superhighway 3,
7. Requests an additional 10 space docking station to be funded through borough CIL,
8. Request the applicant enter into an infrastructure protection agreement with Docklands Light Railway Limited,
9. Details of excavation and construction techniques to be secured by condition,
10. Details of safety measures to ensure debris will not fall on the railway to be secured by condition,
11. Details of any scaffolding in proximity of the railway including a risk assessment, method statement, design details and certification to be secured by condition,
12. No crane to be erected until a lifting management plan is secured by condition,
13. Lights installed during construction should not shine directly onto DLR railway tracks,
14. Details of lighting to be secured by condition,
15. Delivery and Servicing Plan, Construction Logistics Plan and Travel Plan to be secured by condition,
16. A DLR Radio Survey secured by condition.
17. The applicant should liaise with the Council over proposed construction works affecting West India Dock Road.

- 8.5 London Underground Infrastructure Protection
No comments.
- 8.6 Docklands Light Railway
No alterations to DLR infrastructure have been agreed with the applicant. Requests that a series of conditions & informatives be applied to any planning permission.
- 8.7 Crossrail Safeguarding
The site is outside the limits of the Safeguarding Direction. Does not wish to comment on the application.
- 8.8 Network Rail
No objection.
- 8.9 Port of London Authority
No objection. Pleased to see that consideration had been given to the use of the river for the transport of people with targets set for river use and measures set out to provide information on river services.
- 8.10 Canal and River Trust
No comments.
- 8.11 National Air Traffic Services (En-Route plc) "NERL"
The development is expected to degrade the performance of the NERL radar located at Heathrow Airport and an operational assessment has concluded that the predicted impact would be unacceptable however mitigation is available that would treat the particular area of concern and allow NERL to live with the proposed development.
- 8.12 Requests that any planning permission is subject to conditions that no development exceeding 50 m. above ground level should occur until a Radar Mitigation Scheme and a Crane Operator Plan have been secured.
- 8.13 London City Airport
No safeguarding objection. Requests a condition that construction works such as cranes or scaffolding above the height of the planned development shall not be erected unless a construction methodology statement has been approved in writing by London City Airport.
- 8.14 Historic England
Historic England has provided two advice letters, the 2nd following the applicant's submission of requested images showing the impact of the development on the setting of Limekiln Dock (Grade II listed) viewed from the Riverside Walk and on the tower of St Anne's Church (Grade I listed) viewed from the junction of Salmon Lane with Commercial Road.
- 8.15 Historic England advises that whilst the development site contains no existing heritage assets, it is located in close proximity to the West India Dock, St Anne's Church, and Narrow Street Conservation Areas. Highly listed buildings also exist nearby including the Grade I Church of St Anne, the Grade I Import and Export Dock; and the Grade I Warehouses and General Offices on West India Dock Road (North Quay).

- 8.16 The proposal will have a visual impact on the setting of these heritage assets, particularly as the development site is set away from the areas of tall building construction around the Isle of Dogs. While tall buildings are a feature of the backdrop of many historic buildings in this area, the development site is set away from that context and presents a range of impacts which the council should carefully consider individually.
- 8.17 View 26 of the Townscape, Visual Impact and Building Heritage Assessment shows the impact of the proposed building against the Grade I listed Warehouses and General Offices at West India Dock. The warehouses and the Grade I Dock is a valuable historic ensemble which would decline in prominence as a result of the proposed tall building interrupting the roofline at their western end.
- 8.18 There is a minor impact on the setting of the Grade I church of St Anne but the view study indicates that this is unlikely to be the cause of major concern.
- 8.19 The degree of change on the setting of Limekiln Dock is considerable and will erode the pristine historic setting of the dock as currently experienced. The dock itself is Grade II listed. Along its perimeter are several other Grade II listed structures (148 & 150 Narrow Street, St Dunstan's Wharf, and the four warehouses comprising Dunbar Wharf). The whole ensemble of warehouses, dock, and later residential developments is contained within the Narrow Street Conservation Area. While some contextually sensitive modern buildings exist on site, the historic form of the dock can be appreciated without any highly contrasting modern development. The proposals will fundamentally alter this aspect of the significance of the dock and its associated buildings, and the role it plays within the conservation area.



Figure 12 – Limekiln Dock – Image of proposed building in background

- 8.20 A drastic change of this kind to the setting of designated heritage assets should be the subject of informed decision making that has a firm basis in

policy and local plan-making. Historic England are not aware of any local policy that identifies the development site as suitable for a building of this size, and that might place the proposal within a deliberate local planning context.

- 8.21 There is some concern about the extent and quality of the impact of the proposed tower largely a result of its location separate from the defined cluster within the Isle of Dogs. Very careful consideration of the tests required by policy and legislation in order to justify harm to the setting of several designated heritage assets should be central to the council's decision making. Consent should only be granted if the scheme can clearly and convincingly demonstrate that it will deliver sustainable development as set out in the NPPF. The application should be determined in accordance with national and local policy guidance, and on the basis of the council's specialist conservation advice.

Historic England Archaeology

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

London Fire and Emergency Planning Authority

- 8.23 Satisfied with the proposals at this stage of the planning process. Recommends that sprinklers are considered for new developments.

Metropolitan Police

- 8.24 No in principle objections but a number of concerns. The area suffers high crime and the areas of public realm will require careful planning to remove potential hot spots for criminality. The security of the building should comply with Secured by Design New Homes Guide 2016. Planning permission should be conditioned to require, prior to the commencement of the development, the approval of details demonstrating how the principles and practices of '*Secured by Design*' have been incorporated. The development should achieve Secured by Design accreditation.

National Grid

- 8.25 Advises of National Grid apparatus in the vicinity. The contractor should contact National Grid before any works are carried out to ensure it is not affected by the proposed works.

Environment Agency

- 8.26 The site is protected to a very high standard by the Thames Tidal flood defences - 1 in 1000 (0.1%) chance in any year but at risk were the defences breached or overtopped. The proposal does not have a safe means of access and / or egress in the event of flooding. The Council's emergency planners should assess evacuation arrangements. To improve flood resilience, recommends finished floor levels are set above the 2100 breach level of 4.5 m. AOD.

Natural England

- 8.27 No comments.

Thames Water

- 8.28 Advises of public sewers crossing or close to the development. To protect public sewers and ensure access for their future maintenance, Thames Water's approval should be sought where a building would be within 3 m. of a public sewer.

- 8.29 Recommends Informatives advising of:
- the minimum pressure for water for future residents,
 - the need to divert a Thames Water main crossing the site at the developer's cost,
 - The requirement for a Groundwater Risk Management Permit.
- 8.30 Also requests that the applicant should incorporate protection to the property by installing a non-return valve or other suitable device to avoid the risk of backflow on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 8.31 Recommends conditions to require:
- Details of any impact piling,
 - A site drainage strategy,
 - Impact study of the existing water supply infrastructure determining magnitude of any additional capacity and a suitable connection point.
- 8.32 No representations have been received from the following organisations following consultation:
- London Bus Services Ltd
 - HM Tower of London & Historic Royal Palaces
 - Tower Hamlets Clinical Commissioning Group
 - Georgian Group
 - 20th Century Society
 - The Victorian Society

Internal consultees

Environmental Health

- 8.33 Contaminated Land: Recommends conditions are applied to any planning permission to ensure any contaminated land is appropriately mitigated.
- 8.34 Air quality: To protect the health of residents of the development from the impacts of poor air quality, recommends conditions are applied to any planning permission:
1. An Air Quality Neutral Assessment shall be submitted demonstrating that the development meets Air Quality Neutral requirements. This should be supplied prior to the energy centre plant being installed, works to be implemented in accordance with the approved details.
 2. Air Quality mitigation to reduce the exposure of the future residents to poor air quality must be supplied up to and including the 6th floor. Details of the mitigation must be submitted along with the location of the air inlet, which should be located in an area of less polluted air, shall be submitted prior to commencement of the development, works to be implemented in accordance with the approved details.
- 8.35 Whilst the Air Quality Assessment has not modelled the areas indicated for the play area and sports area, the nearest receptors modelled show that the hourly

NO2 objective (the relevant objective for such land uses) would not be exceeded and technically the area is suitable for such a use. However the pollution levels are high at the proposed children's playground (Pennyfields), exceeding the annual limit. Recommends avoiding having the play area here.

- 8.36 Noise & Vibration: No comments received however, this is discussed further in the '*Noise and Vibration*' section of this report.

Corporate Property and Capital Delivery (Asset Management)

- 8.37 Asset Management has no specific objections in terms of the form of the scheme, other than land ownership. The developer should demonstrate that they have acquired land sufficient to deliver the scheme in its entirety. They should engage with Asset Management to discuss and agree terms for any land to be acquired from LBTH. Although initial conversations may have taken place in the past there has been no recent or specific dialogue in respect of the land that may need to be acquired or the terms agreed to facilitate this.

- 8.38 The developer should make a direct approach to Asset Management rather than leave this as an informative in any permission.

Education Development Team

- 8.39 No comments received.

Transportation and Highways

- 8.40 Car parking: The site scores PTAL 6a – '*Excellent*' where car free development is appropriate. Existing parking bays on Mandarin Street would be lost. Objections have been raised but the extant permission approved that loss.

- 8.41 Three bays for disabled motorist are proposed in Salter Street one for the hotel, the others for residents. Any blue badge bay on the public highway cannot be '*dedicated*' to any particular use or user and can be utilised by any blue badge holder. Site constraints preclude dedicated spaces off street and the use of all three bays for accessible parking is preferable. This will necessitate use of the existing footway in Salter Street. There should be a minimum of 2 m. width of this land adopted under section 72 of the Highways Act 1980 to ensure a continuous footway. MDD policy requires development to provide a minimum of one accessible parking bay when no general parking is proposed. The Mayor's '*Housing*' SPG 2016 says: "*Standard 18 - Each designated wheelchair accessible dwelling should have a car parking space that complies with Part M4 (3).*" This would require 20 spaces which could not be accommodated on street.

- 8.42 TfL requests a Parking Management Plan but this cannot be implemented if bays are solely on the public highway. TfL may be referring to taxi use etc. on the area of land outside of the hotel in the applicant's ownership.

- 8.43 Cycle parking: Standards would be met for residents, hotel and commercial uses. Ideally numbers should be increased. A Travel Plan should address this. Provision should be made for recumbent and adapted cycles and access to the cycle stores should comply with the London Cycling Design Standards. Further details should be required by condition if planning permission is granted. Additional cycle hire stands are being proposed within the development site boundary.

- 8.44 Servicing: The applicant is proposing to take ownership of the existing public highway Mandarin Street to provide access from West India Dock Road for taxis, coach and service vehicles. Additional refuse collection for the residential units is proposed to be from Salter Street. This is broadly acceptable although service trips appear underestimated. A revised Service Management Plan will be required.
- 8.45 Public transport: TfL have no capacity concerns.
- 8.46 Public Realm: The proposed public realm works will require areas of land to be transferred between LBTH and the applicant. The public highway works should be carried out under a section 278 Highways agreement and/or section 106 of the Planning Act. The mechanism for the required transfer of land (including the strip in Salter Street behind the proposed accessible parking spaces) should be agreed and approved.
- 8.47 Construction access should use West India Dock Road not Salter Street and Limehouse Causeway.
- 8.48 In summary, no in principle objection subject to conditions and a legal agreement to secure:
- A permit free agreement restricting all future residents from applying for a parking permit on the public highway;
 - Full details of cycle parking including provision for larger, recumbent and adapted cycles;
 - All cycle stands to be retained and maintained for the life of the development;
 - A Service Management Plan to be approved prior to occupation;
 - A Travel Plan to be approved prior to occupation;
 - A section 278 Highways agreement or section 106 agreement to cover all proposed public highway works.

Enterprise & Employment

- 8.49 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 and at the End User Phase:

Construction Phase Skills and Training	£133,976
End User Phase Skills and Training	£66,944
Total	£200,920

Waste Management

- 8.50 No comments received however this is discussed further in the 'Waste' section below.

Communities, Localities & Culture – Strategy Sustainable Urban Drainage (SUDS) Officer

- 8.51 Flood Risk: The site is located within Flood Zone 3 and is protected to a high standard by the Thames flood defences. There are risks associated with the breach of defences and it is recommended that finished floor levels are above the 2100 breach level to improve flood resilience. No residential accommodation is proposed in the lower levels and therefore limits

vulnerability; however there should be resilient means of safe access / egress. Tower Hamlets Emergency Planning Team should be consulted for comments.

8.52 SUDS: The applicant has not provided adequate detail demonstrating compliance with London Plan Policy 5.13 and MDD Policy DM13 that requires development to show how it reduces the amount of water usage, runoff and discharge from the site through the appropriate water reuse and sustainable urban drainage (SUDS) techniques.

8.53 The applicant intends to comply with the London Plan and limit the run off to Greenfield runoff rates and provides a brief appraisal of SUDs measures and indicates the use of green roofs and sub-surface storage. The applicant is advised to implement sustainable SUDs measures as drainage should be designed and implemented in ways that deliver other policy objectives including water use efficiency and quality, biodiversity, amenity and recreation. The applicant is yet to formulate surface water drainage strategy and it is requested that any planning permission is conditioned to ensure surface water drainage requirements are met.

Infrastructure Planning

8.54 No comments received.

Sustainable Development Team

8.55 The proposals seek to implement energy efficiency measures and renewable energy technologies to deliver a 29% reduction CO2 emission reductions on-site but fall short of the LBTH target. Should the shortfall be met through a carbon offsetting contribution, the proposals would accord with emission reduction policy. It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:

- Carbon offsetting contribution secured through a section 106 contribution (£275,400)
- Delivery of BREEAM 'Excellent.'

Idea Stores

8.56 No comments received.

Corporate Access Officer

8.57 No comments received.

Occupational Therapist (Housing Options)

8.58 No comments received.

Arboriculture Officer

8.59 The scheme includes the loss of five Lime trees located in the public highway. The landscape proposals mitigate sufficiently for these losses. Suggests a condition requiring the submission of a tree planting scheme.

Parks and Open Spaces

8.60 No comments received.

Biodiversity Officer

8.61 Ecology was scoped out of the EIA as the 2014 Phase 1 Survey found the site of low ecological value. This only covered the main application site and a

Phase 1 survey of the rest of the land within the red line boundary is required to scope ecology out of the current EIA.

- 8.62 There will be no significant adverse impacts on biodiversity on the core site. MDD Policy DM11 requires biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP). Landscaping on the core site consists of 2 roof gardens that will contribute to LBAP objectives.
- 8.63 There is much proposed new landscaping within the wider public realm. Without a Phase 1 survey, it is not possible to assess any negative impacts. Overall, unless there is significant existing biodiversity value within the areas of public realm, the proposals will enhance biodiversity and contribute to LBAP objectives.
- 8.64 Recommends that any planning permission is conditioned to secure the submission, approval and implementation of full details of biodiversity mitigation and enhancements.

Conservation and Design Advisory Panel (CADAP)

- 8.65 CADAP reviewed the application on 10th October 2016. The Panel reiterated previous positive comments on the site being returning to active use and the proposed improvement to the surrounding public realm.
- 8.66 Considered the previous permissions for 16 and 20-storeys buildings were likely to be the maximum the site could realistically take. Acknowledging that the design is itself a good quality building, considered 37-storeys was overdevelopment. Of particular concern is the disparity in scale between the proposed building and the predominantly low-rise townscape (in particular the heritage assets) along West India Dock Road. The Panel continued to be unconvinced by the attempt to place the building in the context of tall buildings in and around Canary Wharf and considered a building of this height would appear isolated in this location. The Panel agreed the architectural philosophy of dividing the building into two elements was a logical approach but did not overcome the disproportionate scale for its context.
- 8.67 The Panel discussed how the proposed building relates to the local character that is very distinct from Canary Wharf. The Panel considered the proposed design would dilute the distinction between these two separate places, and be detrimental to the character of both West India Dock Road and Canary Wharf.
- 8.68 The Panel noted that even without taking into account the floor space of the hotel, the scheme would result in a very high residential density that significantly exceeds the London Plan density range for a site with good public transport accessibility. The Panel considered the residential density unjustified particularly as the site is not within a town centre, nor within an area identified as suitable for tall buildings and a development of this height and density would create an unacceptable precedent for the area.
- 8.69 Access to the two separate amenity spaces (roof top) should be integrated across tenures.
- 8.70 The Panel discussed the proposed provision of child play space noting that to meet requirements some play space would be provided off-site. Concern was expressed about the location separated from the site by busy roads.

- 8.71 The Panel noted that the scheme includes large areas of hard landscaping and considered that to make a real difference in otherwise hard urban surroundings, the scheme could benefit from additional soft landscaping.
- 8.72 It was noted that hotel bar faced the main road. Concerned that the design may inhibit the degree to which it would spill out onto the adjacent public realm and contribute to the animation of the street.
- 8.73 The shortage of parking for disabled motorists was considered symptomatic of overdevelopment.
- 8.74 Disappointed that only 30% affordable housing was being proposed. (Officer comment – subsequently increased to 34%).

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 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 An initial public exhibition took place over two days between 3rd and 4th March 2014 at the Limehouse Project, St Anne’s Street, 789-791 Commercial Road. This concerned a 60-storey residential tower with ground floor retail.
- 9.4 A second consultation took place on 21st March 2016, again held at the Limehouse Project. This concerned a 37-storey building comprising approximately 220 new homes, a 320 bed hotel, 74 m2. retail, public space improvement and new DLR access arrangements. An advertisement was placed in East End Life and 2,500 members of the local community were sent invitations and information advising of the proposed redevelopment and how they could participate in the consultation process. Letters and emails were sent to ward councillors for Limehouse, Canary Wharf, and Poplar wards. They were also sent to the Mayor of Tower Hamlets, his Cabinet, the local Member of Parliament and all the members of the Strategic Development Committee. Letters were also sent to over 30 key local stakeholders and community groups including local businesses and third-sector organisations including the Limehouse Project, Tower Hamlets College and Tower Hamlets Homes.



Figure 13 – Public Consultation Invitation Distribution Map

- 9.5 The 2nd consultation was attended by 1 councillor, the Labour London Assembly Candidate for City and East and 48 individuals.
- 9.6 The applicant reports that twenty six people completed feedback forms. 69% of the feedback was positive. 19% was neutral and 12% negative, opposing the proposals due to the height of the structure and loss of light. The site's current state was a cause for concern for every consultee who attended due to fly tipping, anti-social behaviour, unattractive and dark. All consultees agreed the site needs development, but there were discrepancies on what sort of development should take place.
- 9.7 The key themes in the feedback the applicant reports are as follows:

Design Features of Building

- *“Building looks good and could add good look for this area that look rundown at the moment”.*
- *“Impressed with plans - would like building to be taller to modernise area”.*
- *“Proposed structure is visually good. Doesn't affect lighting of much of current residents”.*
- *“Design, in keeping with taller structures planned for West India Quay etc.”*
- *“Very modern and interesting development.”*

Public Realm

- *“The plans look good and will give life to the unused space improving local surroundings and environment”.*
- *“The café and the hotel are key. This will help move the area forward. Looking at other developments in Salter Street which are only residential, these don't add any life into the area. It is good that you will add greenery and open up the surrounding West India Dock Road. Add more lights”.*
- *“Very happy with public realm proposals”.*
- *“Good offer on the green space and the trail of green space where people can walk around and enjoy the green”.*

- *“Improvement to DLR Station is a massive plus for the community”.*

Local Businesses and Public Transport

- *“Will be good for local business. Small retail units should be for local business and not for corporate business”.*
- *“There should be affordable rates for local people to do small businesses in the proposed restaurant and shop space”.*
- *“Improvement to DLR Station is a massive plus for the community.”*
- *“Redeveloped/Increased access to Westferry DLR is appreciated.”*

Affordable Homes

- *“I like the idea of having social housing with private homes in the same building. It serves more to strengthen the idea of community - this is important.”*
- *“The structure incorporates both private and social without having the need for separate access, and gardens can be accessed to everyone.”*
- *“It will help the local residents in areas of housing and employment”.*
- *“Hopefully, provision for affordable housing will be sufficient 30%?”*

Height

- *“The architecture will be in line with that in Canary Wharf and will spur further development of a similar kind in surrounding areas.”*
- *“The design alone looks like it will fit in with the Canary Wharf area. It will give Westferry area a great lift. The sky garden again adds to London living! Seems like a really good idea.”*
- *“Height of the building. Problems: Would cast long shadows and reduce sunlight. A skyscraper designed by the same company (Beetham Tower in Manchester) has become notorious for hum/howling heard from as far as 300 meters in windy weather.”*
- *“Building is way too tall. There will be light issues.”*
- *“The surrounding buildings are far too small in height compared to this with the average height being 4-6 storeys. The local buildings around it will be affected environmentally in an already overpopulated area. I like the building material being glass. But it just too tall.”*
- *“Concerned about the height of the project. It is bound to block out sunlight into our flat on the one and only side we have windows during the warmest part of the day”.*

Representations following Tower Hamlets’ statutory publicity

9.8 A total of 448 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised by site notices and advertised in East End Life.

Representations received			58
Objecting:	16	Supporting	42
No of petitions received:			0

9.9 Material grounds of support may be summarised as:

- Enhancement of a long derelict site,

- New housing including affordable housing would help address the housing shortage,
- New leisure facilities for the local community,
- Improvements to the public realm,
- Hotel would increase local jobs,
- Improvements to pedestrian connections at Westferry DLR station,
- Better lighting,
- Improved safety and security,
- Place sensitive design,
- Concerns about the bulk and mass of the building have been addressed.

9.10 Material grounds of objection may be summarised as:

- Excessively tall visually overpowering building of unprecedented scale not in keeping with the low rise character of Limehouse, Vastly higher than the approved building for the site,
- Poor design - a very plain tower block. Architectural pollution,
- Excessive density,
- Viewed from any angle, the tower will impose itself on the visual space around Hawksmoor's church of St. Anne's that currently stands out over the low rise buildings,
- The site should not be treated as an extension to the Canary Wharf cluster,
- Loss of daylight to flats in Compass Point, Cayman Court and West Point beneath BRE guidelines. Impact of Compass Point not assessed (Officer comment: Impact on natural light reaching Compass Point is assessed in the applicant's Environmental Statement),
- Lack of car parking and loading area. Flat dwellers may accept a no-car policy but many hotel customers will not use public transport and will clog up the surrounding streets with parked cars,
- Overlooking of bedrooms and living rooms in adjoining residential property,
- Loss of views,
- Loss of existing parking spaces,
- DLR and Jubilee lines already overcrowded,
- Overlooking of existing infrastructure – health centre and nursery,
- Increased traffic on Salter Street that is narrow and carries a bus lane,
- Refuse area located on Salter Street,
- Increased noise and traffic in an already congested area,
- The proposed building will create high amounts of fine, toxic particulates during and after construction,
- Impact on local services amenities including Gill Street Health Centre. Insufficient local infrastructure, such as nurseries, schools, NHS, parking spaces and parks to support additional residents.

9.11 Non-material objections may be summarised as:

- Effect on property values,
- Danger and disruption during building work,
- Indiscriminate use of the land to maximise profit,
- Loss of private views of Canary Wharf,

- Loss of light would disrupt the minimum absorption of vitamin D, particularly in children,
- Roads are misnamed making the application invalid.

Limehouse Neighbourhood Planning Forum (LNPF)

9.12 The LNPF has provided detailed comments structured in three sections: Reasons for Support, Reason for Objection, and Conclusion.

Reasons for Support

- On-site affordable housing.
- Appreciates the proposed options for the open space to the south of Aspen Way but has concerns regarding the landscaping.

Reason for Objection

Failure to comply with the following development plan policies, objectives and placemaking principles:

London Plan

- Policy 7.1 - Lifetime Neighbourhoods
- Policy 7.4 - Local Character
- Policy 7.6 - Architecture
- Policy 7.7 - Location and Design of Tall and Large Buildings
- Policy 7.8 - Heritage Assets and Archaeology
- Policy 7.9 - Heritage-led Regeneration

Tower Hamlets Core Strategy

Strategic objectives

- SO21: Create streets, spaces and places which promote social interaction and inclusion, and where people value, enjoy and feel safe and comfortable.
- SO22: Protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views.
- SO23: Promote a borough of well designed, high quality, sustainable and robust buildings that enrich the local environment and contribute to quality of life.

Policies

- Policy SP09 – 3. Safety and capacity of the road network.
- Policy SP09 – 5. Create a high-quality public realm network providing a range of sizes of public space that can function as places for social gathering.
- Policy SP10 - Tall buildings.
- Policy SP12 a - Ensuring places are well-designed, offering the right layout to support the day-to-day activities of local people.
- Policy SP12 b - Retaining and respecting the features that contribute to each places' heritage, character and local distinctiveness.
- Policy SP12 i - Ensuring development proposals recognise their role and function in helping to deliver the vision, priorities and principles for each place.

Delivering placemaking - Limehouse

“New development should be in keeping with the scale and character of historic warehouse buildings, conservation areas and waterways.”

Tower Hamlets Managing Development Document

- Policy DM23 – Streets and the public realm
- Policy DM24 – Place-sensitive design
- Policy DM25 - Amenity
- Policy DM26 - Building Heights
- Policy DM27 – Heritage and the historic environment

9.13 The LNPF has objected to the extent of Limehouse suggested in the GLA's Draft Isle of Dogs South Poplar Opportunity Area Planning Framework and wrongly claim that the Tower Hamlets Draft Local Plan 2031 indicates that LBTH concur that Limehouse ward should not be included within the Opportunity Area. Officer comment: The Draft Plan (Figure 1.2) shows 82 West India Dock Road located within the OAPF, the western boundary of the OAPF running to Limehouse Basin. The GLA has confirmed that the application site is included within the OAPF.

9.14 The LNPF makes detailed criticism of the planning context, scale, design, affordable housing, transport, amenity and public realm.

9.15 On balance, the LNPF objects to the application. The proposed scale would have irreversible detrimental impacts on local residents, the Ward's character and conservation areas, setting a dangerous precedent for future developments. The '*offer*' of the proposal does not justify the negative impacts with insufficient consideration given to the impacts a 37 storey (136 m. high) development would have on the local and wider context.

9.16 LNPF consider the proposal appears to take the 2 previous permissions crudely adding them together. Given the extant hotel permission, and that the primary agenda for both the local authority and applicant (who are a residential developer) is housing delivery, a 16 to 20-storey fully residential-led scheme would present a similar, if not greater, quantum of private and affordable housing. The consideration for the council therefore is whether a hotel is appropriate in this location. The LNPF's view is that it is not.

9.17 The LNPF says it is aware that the applicant has begun the process of selling the site on, subject to planning. (Officer comment: Planning permission normally runs with the land and ownership is not a material consideration). LNPF believe the scheme should be revised to be residential-led, omitting the hotel, with increased ground level commercial provision and improved '*sense of location*' within the height established by the extant permission.

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 and heritage assets
- Affordable housing
- Residential tenure mix
- Housing quality

- Communal amenity space
- Impact on surroundings
- Micro climate
- Highways and transport
- Secured by Design
- 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. 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.
- 10.3 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 simultaneously. 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.
- 10.4 The NPPF classifies hotels and retail development as main town centre uses. Paragraph 24 states:

Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre’.

- 10.5 Edge of centre is defined as: ‘a location within 300 metres of a town centre boundary. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.’ Out of centre is defined as: ‘A location which is not in or on the edge of a centre but not necessarily outside the urban area.’
- 10.6 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
- 10.7 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.
- 10.8 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.
- 10.9 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 and an Area of Regeneration.’
- 10.10 London Plan 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.
- 10.11 London Plan Policy 4.5 ‘*London’s visitor infrastructure*’ says the Mayor will, and borough should, support London’s visitor economy. The target for visitor accommodation is 40,000 net additional bedrooms across London by 2036 of which at least 10% should be wheelchair accessible. Policy 4.5 says that beyond the Central Activities Zone (CAZ), new visitor accommodation should be focussed in town centres and opportunity and intensification areas, where there is good public transport access to central London and international and national transport termini.
- 10.12 The scheme seeks to deliver 89 m2. of flexible community and retail floorspace. London Plan Policy 3.16 ‘*Protection and enhancement of social infrastructure*’ requires such facilities to be accessible by walking, cycling and public transport. Policy 3.17 ‘*Health and social care facilities*’ supports such facilities particularly in areas of under provision. Policy 4.7 focuses ‘*Retail and town centre development*’ on sites within town centres or, if none are available, at the edge of centres well integrated with the existing centre and public transport.
- 10.13 London Plan 7.5 ‘*Public Realm*’ and Policy 7.18 ‘*Protecting Open Space and Addressing Deficiency*’ support the creation of high quality open space.

Tower Hamlets Local Plan

- 10.14 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.
- 10.15 The site lies within the '*Place of Limehouse*' that Core Strategy Fig. 24 page 44 identifies for Medium Growth (1,501-2500 residential units) to year 2025.
- 10.16 Core Strategy Annex 9 concerns '*Delivering Placemaking.*' For Limehouse Ward the Plan page 110 states: '*There will continue to be medium levels of growth in the area, with old industrial sites being redeveloped for mixed use....*'
- 10.17 Core Strategy Policy SP06 '*Delivering successful employment hubs*' seeks to concentrate hotels in the following locations:
- Central Activity Zone (CAZ);
 - City Fringe Activity Area;
 - Canary Wharf Activity Area; and
 - Major and district centres.
- 10.18 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.
- 10.19 Managing Development Document Policy DM7 '*Short stay accommodation*' supports hotel development in locations identified in the Core Strategy (Policy SP06) and also where:
- a. *The size is proportionate to its location within the town centre hierarchy;*
 - b. *There is a need for such accommodation to serve visitors and the borough's economy;*
 - c. *It does not compromise the supply of land for new homes and the council's ability to meet its housing targets;*
 - d. *It does not create an over-concentration of such accommodation or cause harm to residential amenity; and*
 - e. *There is adequate road access and servicing for coaches and other vehicles undertaking setting down and picking up movements.*
- 10.20 Core Strategy Policy SP03 '*Creating healthy and liveable neighbourhoods*' seeks to maximise opportunities to deliver new social and community facilities as part of new developments. MDD Policy DM8 '*Community infrastructure*' says new health, leisure, and social and community facilities should be located in or near the edge of town centres. Provision outside of town centres will only be supported where they are local in nature and scale and where a local need can be demonstrated.
- 10.21 MDD Policy DM2 supports local shops outside town centres.
- 10.22 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. Within the Local Plan, part of the Tower Hamlets Green Grid runs along

Narrow Street, Limehouse Causeway and across West India Dock Road to Pennyfields.

Assessment

- 10.23 The site is cleared, previously developed, brownfield land. In 2007, the Planning Inspectorate granted planning permission for a residential led redevelopment of 120 flats and 1,442 m². of commercial floorspace. Increased housing supply is a fundamental policy objective at national, regional and local planning levels. The principle of redevelopment by 202 flats would be consistent with national policy, the London Plan and Tower Hamlets' Local Plan. The scheme would help the council meet its housing targets and in principle is strongly supported.
- 10.24 The Hotel Demand Study that underpins the London Plan Visitor infrastructure policy states that the net extra hotel rooms required in Tower Hamlets from 2004 to 2036 is 4,500. Since 2004 there has been a net increase of over 4,075 hotel rooms in the borough which is 90.5% of the target recommended by the demand study.
- 10.25 Whilst the site is not in the preferred locations for hotel development listed in Core Strategy SP06, it is just 158 m. from the Canary Wharf Activity Area and within a short walking distance from Canary Wharf (a major centre that functions as CAZ). The site is located adjacent to Westferry DLR Station with excellent public transport links and subject to an extant planning permission for a 252 bed hotel granted by the council in 2010 and considered suitable for hotel development.
- 10.26 The provision of local shops or community facilities in this location is also consistent with the development plan. There is also policy support at all levels for the provision of public open space and improvements to the public realm.
- 10.27 In principle, no land use objections are raised.

Optimising housing potential

NPPF

- 10.28 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

- 10.29 Policy 2.13 '*Opportunity and intensification areas*' states that proposals within Opportunity Areas should optimise residential output and densities and contribute towards meeting and, where appropriate, exceeding the minimum guidelines for new housing.
- 10.30 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.
- 10.31 London Plan Table 3.2 provides a '*Sustainable residential quality density matrix*' for differing locations based on TfL public transport accessibility levels

(PTAL). Development proposals which compromise this policy should be resisted. The Inspector in 2007 considered the site an 'Urban' location for London Plan purposes. However, 'Central' is defined as being within 800 metres walking distance of an International, Metropolitan or Major town centre. The application site is some 228 m. from the boundary of the Canary Wharf Town Centre on Westferry Road and by definition a 'Central' location. For 'Central' areas with PTAL 6, an indicative density range of 650-1,100 habitable rooms per hectare is provided.

- 10.32 Policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential. Generally, development should maximise housing output while avoiding any of the adverse symptoms of overdevelopment.

The Mayor's 'Housing' SPG 2016

- 10.33 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).

- 10.34 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).

- 10.35 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.

- 10.36 Schemes which exceed the ranges in the matrix must be of a high design quality and tested against the following eight 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

- 10.37 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.
- 10.38 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.

Assessment

- 10.1 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.
- 10.39 This application proposes works on substantial areas of land outside the applicant's ownership including a new 'left turn only' vehicular access from West India Dock Road, hard and soft landscape works to adjacent areas of highway and public realm within the council's ownership. Approximately 30% of the development comprises non-residential accommodation.

- 10.40 The Mayor's 'Housing' SPG advises:

The London Plan defines density in terms of net residential site area. This relates to the 'red line' planning application site boundary and excludes adjoining footways, carriageways, paths, rivers, canals, railway corridors and other existing open spaces. It includes the proposed homes, non-residential uses in mixed use buildings, ancillary uses, car and cycle parking areas and proposed internal access roads. It generally

includes proposed on-site open spaces (including publicly accessible spaces), gardens and children’s play areas. (Paragraph 1.3.67)

However, counting very large, on-site, publicly accessible open spaces, such as some of those proposed for some London Plan Opportunity Areas could serve to artificially lower density calculations. Consequently, applicants proposing particularly large spaces (relative to the size of the site) should seek to agree a bespoke method of calculating density in discussion with boroughs....(Paragraph 1.3.68).

10.41 The applicant concurs that taking the entire extent of adjoining public realm within the ‘red line’ boundary would not be a reasonable method of measuring residential density in line with London Plan methodology. The applicant also considers restricting the calculation to the net site area is not a fair reflection of the development. Using the methodology in the Mayor’s SPG, residential density calculations on three scenarios are as follows:



**Scenario 1 – Development site.
2,970 habitable rooms per ha**



**Scenario 2 – Development site and
adjoining public realm.
2,687 habitable rooms per ha.**



**Scenario 3 – Development site and wider public realm
2,285 habitable rooms per ha**

10.42 All three scenarios substantially exceed the London Plan / Housing SPG indicative range of 650-1,100 hrph within the Sustainable residential quality density matrix for ‘Central’ locations. In justification, the applicant claims:

“The proposed building would enjoy particularly generous breathing space, provided by the large carriageway of West India Dock Road and adjoining open spaces. The distances to other buildings and in particular other mid to high-rise buildings would be significant. Significant public realm work have been included as part of the proposal, maximising the public benefits.

In urban design terms the site is highly suitable for a tall building. The building would be of a high architectural quality, provide visual interest and a townscape marker at a key nodal point within the transport network and signal the western gateway to the Isle of Dogs. The heritage impacts of the proposal would be limited and it would enhance its townscape views.

The residential quality of the development would be high, in many instances exceeding the baseline requirements of the Housing SPG. Communal amenity, including play space, would be of a high quality for a high rise building and significantly in excess of the standards when including the adjacent areas of land to be enhanced.

The development would also provide a significant contribution towards the Council’s housing targets, including through provision of a significant quantum of affordable housing on-site and also deliver a significant number of new jobs that would be accessible to local people.

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. Therefore the proposed density is considered appropriate and in accordance with planning policy.”

- 10.43 Officers assessment of the development against the exception tests of London Plan Policy 3.4 within Design Standard 6 of 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.	<p>The site is highly prominent and set within a diverse urban context of low to mid rise buildings with no defined or dominant historic or stylistic form although there is a general consistency of height established by 4-6 storey buildings. The presence of the DLR station is not signalled within the built environment, the immediate area lacks any strong sense of place or destination and the site is considered suitable for a landmark building.</p> <p>However, the site is detached from the established cluster of tall buildings at Canary Wharf and in the docklands proper. The proposed development would be drastically at odds with the local character with mass, height, facing materials and articulation that would differ dramatically from the surroundings.</p> <p>The Grade I West India Dock Warehouse is some 230 m. to the south east. The Warehouse and the related conservation area have not lost its impact due to the many tall buildings surrounding. However, these are all to the south and east and none intervene on the skyline of the Warehouse (Figure 15 below).</p> <p>The degree of change on the setting of the Grade II Limekiln Dock and associated listed buildings within the Narrow Street Conservation Area would also be considerable and adverse (Figure 12 above & Figure 17 below).</p> <p>The Grade I St Anne’s Church (and the related conservation area) lies some 300 m. to the west. Views of the church tower from</p>

	West India Dock Road and the DLR would be lost and adversely affected at the junction of Salmon Lane / Commercial Road.
Public transport connectivity	The site has a PTAL 6 ' <i>Excellent</i> '. There is no suggestion that development on the Isle of Dogs should be restricted due to inadequate public transport and capacity increases are in hand. TfL raise no objection.
Design quality	<p>Housing and private amenity space standards would be met. The wheelchair adaptable layouts would comply with the space standards within the Building Regulations Part M</p> <p>The majority of residential rooms within the proposed development would meet or exceed the minimum British Standard for daylight but eleven rooms would fail. Access to sunlight would be poor for most units as they mostly face west.</p> <p>On balance, it is considered that housing of adequate quality would be provided.</p> <p>The proposed site layout and height of the development would result in daylight very poor & sunlight conditions to adjoining residential accommodation in Cayman Court and Compass Point, Salter Street, far beneath BRE guidelines even for inner city sites.</p> <p>There is some concern that due to proximity to Cayman Court there could be unacceptable overlooking and loss of privacy. The minimum separation between habitable rooms in the development and Cayman Court would be approximately 15.5 m. which would be beneath the council's minimum standard of 18 m. Such a distance is not uncommon across roads in Tower Hamlets and on balance it is considered adequate privacy would ensue.</p> <p>There would be a shortfall of 199 m² child play space within the development site. The application proposes use of the adjacent areas of council owned public realm which could offer additional amenity space but the utility of these areas would be far from satisfactory with access across major multi-lane roads.</p>

Contribution to Place making	The scheme would create a ' <i>place</i> ' on currently vacant land and mark the presence of Westferry DLR Station.
Potential for large sites to define their own setting and accommodate higher densities	The site abuts major roads to the east and south east which encourage a development of significant scale and is sufficiently large to create a setting at a focal point defining the setting of the DLR Station.
Residential mix and dwelling types	<p>Considered satisfactory. The unit mix in the market sector is broadly compliant with the Local Plan. There would be no studios (welcomed), an under provision of 1 bed units (15% below target), a welcome over provision of 2-bed units (25% above target) and a relatively small under provision of 3-bed+ family units (9% below target).</p> <p>The dwelling mix within the affordable rented sector is close to targets with 28% 1 bed units (policy target 30%), 26% 2 bed units (policy target 25%) and 46% family units (policy target 45%)</p> <p>In the intermediate sector, there would be an overemphasis on 1 and 2 bed units and an entire absence of family units. At other sites, this has been accepted by the Committee given concerns about the affordability of large intermediate units.</p>
Management and design of refuse/food waste/recycling and cycle parking facilities	Considered satisfactory.
Location	<p>London Plan Opportunity Areas are in principle appropriate for higher density development but the designation covers the entire Isle of Dogs, South Poplar and Limehouse.</p> <p>Whilst the site is on the main vehicular and public transport arteries between Canary Wharf and the City of London and there are many tall buildings around West India Docks and some 1960's tower blocks to the north and north east; the site is isolated from the Canary Wharf Town Centre and not within an area identified for tall buildings in the Local Plan.</p>

Summary

- 10.44 The 2007 appeal scheme Ref. PA/04/1038 resulted in a residential density of some 2,121 hrph on the net site area (Scenario 1 above). The Inspector concluded that in the circumstances of the site, with its excellent accessibility and proximity to services, the density was acceptable in line with local and national policy guidance. He concluded that the impact of the then proposed 20-storey building on the street scene and townscape would be acceptable in principle and in accordance with relevant policies in the development plan and national policy guidance.
- 10.45 The 37-storey building now proposed is significantly taller than the 20-storey development considered in 2007. Urban design issues arising are assessed below and found inconsistent with the development plan and national guidance regarding the setting of listed buildings and the preservation and enhancement of the character and appearance of surrounding conservation areas.
- 10.46 Whilst the proposal complies with many of exception tests within the Mayor's 'Housing' SPG to assess schemes that exceed the density ranges in the London Plan, the application raises concerns regarding context, heritage assets, impact on natural light reaching adjoining residential premises and inability to provide sufficient open space within the development site, particularly child play space. Cumulatively, these factors indicate that the proposal would not optimise the site's development potential, rather it would result in unsustainable overdevelopment inconsistent with London Plan policy and cause demonstrable harm.

Urban design and heritage assets

- 10.47 Statutory tests for the assessment of planning applications affecting listed buildings and conservation areas are found in Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Section 66(1) relates to applications that affect a listed building or its setting. It requires the decision maker to: "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". Section 72(1) relates to applications affecting a conservation area. It states that "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*". There is a presumption that development should preserve or enhance the character or appearance of conservation areas.
- 10.48 The special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas also applies to development adjoining a conservation area. This applies to West India Dock Conservation Area (53 m. to the south east of the development site), St Anne's Church Conservation Area (some 150 m to the north-west), Narrow Street Conservation Area (some 197 m. to the south-west) and Lansbury Conservation Area (some 100 m. to the north-east).
- 10.49 The implementation of the legislation has been addressed in recent Court of Appeal and High Court Judgements concerning the proper approach for assessing impacts on listed buildings and conservation areas. These are considered in more detail below. However, the emphasis for decision makers

is that in balancing benefits and impacts of a proposal, the preservation of the heritage assets should be given “*special regard / attention*” and therefore considerable weight and importance.

NPPF

- 10.50 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites whilst responding to local character. The Framework begins by describing a presumption in favour of sustainable development. This includes as a core principle the conservation of the historic environment in a manner appropriate to its significance (paragraph 17). Conservation means the sustaining and enhancing of significance (paragraph 126).
- 10.51 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,
 - 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.
- 10.52 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.
- 10.53 NPPF Chapter 12 ‘*Conserving and Enhancing the Historic Environment*’ relates to the implications of a development for the historic environment and provides assessment principles. It identifies the way in which any impacts should be considered, and how they should be balanced with the benefits of a scheme.
- 10.54 Paragraph 126 states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:
- *the desirability of sustaining and enhancing the significance of heritage assets;*
 - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;*
 - *the desirability of new development making a positive contribution to local character and distinctiveness; and*
 - *opportunities to draw on the contribution made by the historic environment made by the historic environment to the character of a place.*

- 10.55 Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal including by development affecting the setting of a heritage asset.
- 10.56 Paragraph 132 confirms that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification.
- 10.57 The effect of a development on heritage assets may be positive, neutral or harmful. Where a decision maker considers there is harm, the NPPF requires decision makers to distinguish between 'Substantial' or 'Less than substantial' harm. If a proposal will lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm (paragraph 133).
- 10.58 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 134).
- 10.59 In considering whether any harm to the significance of a designated heritage asset is substantial or less than substantial, account should be taken of the following advice in the NPPG:

“What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the NPPF makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.”

- 10.60 In order to amount to substantial harm to the significance of a heritage asset, there would have to be such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced (Bedford Borough Council v SSCLG 2013).

The London Plan 2016

- 10.61 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;*
- l make a significant contribution to local regeneration.*

10.62 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.

10.63 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.

The Mayor's '*Housing*' SPG 2016

10.64 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.

10.65 Design Standard 6 that provides assessment criteria for schemes exceeding the London Plan's '*Sustainable residential quality density matrix*' is addressed in '*Optimising housing potential*' above.

Tower Hamlets Core Strategy 2010

10.66 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

10.67 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.

10.68 Policy DM26 *'Building heights'* and Figure 9 page 70 (reproduced below) requires building heights to accord with the town centre hierarchy. The application site is located in the penultimate step down in the hierarchy (*'Neighbourhood centres and main streets'*) and is not identified as appropriate for the location of tall buildings.



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

Figure 14 - MDD Policy DM26 *'Building heights'* and the Town Centre Hierarchy

10.69 Policy DM26 also requires development to achieve a high architectural quality which contributes positively to the skyline, not adversely affecting heritage assets or strategic views, presenting a human scale at street level including not creating unsuitable microclimate conditions. Tall buildings should also not adversely impact on biodiversity or civil aviation should consider public safety and provide positive social and economic benefits.

10.70 Policy DM27 deals with *'Heritage and the Historic Environment.'* Policy DM27 (1) provides that:

"Development will be required to protect and enhance the borough's heritage assets, their setting and their significance"

10.71 Policy DM27 (2) says that development within a heritage asset should not adversely impact on character, fabric or identity. Scale, form, details and materials should be appropriate to the local context and should better reveal the significance of the heritage asset.

Tower Hamlets Conservation Areas Character Appraisals & Management Guidelines

West India Dock Conservation Area

- 10.72 The West India Dock Conservation Area Character Appraisal & Management Guidelines adopted 7th March 2007 include the following statement:

“The remaining North Quay warehouses and the historic buildings located around the main dock entrance are the focus of this area. These are the only significant concentration of West India Dock buildings to have survived the Blitz.”

St Anne’s Church Conservation Area

- 10.73 The St Anne’s Church Conservation Area Character Appraisal & Management Guidelines adopted 4th November 2009 include the following statements:

“the purpose of the designation was primarily to safeguard the visual setting of St Anne’s Church, which provides a focal point and visual marker in Limehouse. It also protects the diverse historic streetscene along this part of Commercial and East India Dock Road.”

“St Anne’s Church has formed a landmark in this part of the Borough since its construction. Its prominence has been secured by a significant group of listed buildings and the respectful low scale and urban character of the historic development which surrounds the church.”

“Hawkmoor’s St Anne’s Church is the most significant built landmark and historic focal point in Limehouse. Its prominent tower projects above the tree canopy of the churchyard and is visible from a considerable distance and was designed to be visible by ships in the local docks and from the Thames. The church is viewed across the open space of the churchyard, with low scale residential streets enclosing the local church and gardens. St Anne’s Church tower can be seen above the roofline of the Town Hall and provides a backdrop to many long views in the precinct.”

“Ensuring an appropriate scale for developments within and adjacent to the Conservation Area will be critical to protect the prominence of St Anne’s Church in views across and within the Conservation Area.”

“St Anne’s Church’s tower is the most visible element of the Conservation Area and in Limehouse. In consideration of new development proposals, views of the tower from surrounding sites and the historic setting of the church are of utmost importance. These long views should be maintained and protected where appropriate, continuing the historic ties between the ‘Limehouse Church’ and the community.”

“As Limehouse is rapidly evolving into a residential district, any scope for development within the Conservation Area should be assessed according to its impact on the setting of St Anne’s Church and the significant Grade II listed buildings in the area.”

- 10.74 The St Anne’s Character Appraisal & Management Guidelines acknowledge that many significant sites within the St Anne’s Church Conservation Area are currently undertaking redevelopment which will fundamentally alter the

character of this part of London, in respect to the setting of St Anne's Church and churchyard. Because of this significant ongoing change, the document is to be revised once construction has settled, and the new character of the Limehouse area has established itself. The intended review has not yet occurred.

Narrow Street Conservation Area

- 10.75 The Narrow Street Conservation Area Character Appraisal & Management Guidelines adopted 4th November 2009 include the following statements:

“the warehouses along Limekiln Dock still convey the atmosphere of the historic 19th century docklands industry. Their original loading doors and cast iron windows are preserved, and they are examples of the successful conversion of this building type to residential use.”

The scale varies throughout the area. In general, buildings are relatively low, and the historic terraces are between 2 and 4 storeys. The warehouses around Limekiln Dock are approximately the same height. At the west end of the area, the redeveloped Paper Mill Wharf is six storeys, and to the east, parts of the new development at Dundee Wharf rise to 11 storeys. On the eastern border of the area, the Canary Riverside development is set on a podium, rising to a total height of approximately 15 storeys. This contrasts with the rest of the area, although it is at a significant distance from the historic core of the Conservation Area.

“Riverfront access brings the Thames path across the mouth of Limekiln Dock over a dramatic footbridge affording good views along the rear of the converted warehouses lining the tidal inlet.”

Lansbury Conservation Area

- 10.76 The Lansbury Conservation Area Character Appraisal & Management Guidelines adopted 5th March 2008 includes the following:

“The fundamental principle behind the designation of the Lansbury Conservation Area is aimed to preserve and safeguard the original character and integrity of (the) exemplary post-war housing.”

The residential buildings are predominantly low-rise in scale and range between 2 to 4 storeys throughout the Lansbury Conservation Area. The occasional higher flats exist to the west of the Conservation Area, but generally do not rise above 6 storeys, as restricted by the LCC at the initial stages of planning Lansbury. Yet, the first post-Festival developments at Lansbury, built in the mid-late 1950s are high-rise mixed developments, with a prevalence of 11 storey blocks and 4 storey maisonettes

The area is characterised by many distinctive views. The straight lines of East India Dock Road create long views to the west and east, including the composition of early 1950s residential buildings on the north side of the road, from Baring House to Trinity Church. The St Mary and St Joseph Roman Catholic Church is also highly visible from the local streetscene, particularly through Upper North Street, Canton Street and Grundy Street. Its stepped profile dominates the local townscape while its short spire is visible on the skyline. Panoramic views also exist in the

area, with the towers of Canary Wharf setting a backdrop to the smaller scale of Poplar, highlighting the distinction between the low-rise character of the Lansbury Conservation Area and its developing metropolitan surrounds.

Limehouse Cut Conservation Area

- 10.77 The Limehouse Cut Conservation Area Character Appraisal & Management Guidelines was adopted on 3rd August 2011. It is explained that the Conservation Area is focussed on the historic Limehouse Cut and immediate hinterland running south west from the River Lea to Limehouse Basin. The boundaries of the Conservation Area are closely drawn around the canal and the adjoining historic buildings. The Guidelines are focussed on ensuring that that development adjacent to the canal and the river protects the setting of the historic waterways and the settings of its surviving historic buildings.
- 10.78 It is considered that 82 West India Dock Road is sufficiently distant from the Limehouse Cut to ensure that the application proposals do not materially affect the character and appearance of the designated area.

Assessment

- 10.79 The proposed building would be visible in the following strategic views identified in the Mayor of London's View Management Framework SPG, but it is considered none would be adversely impacted:

London Panoramas:

- 1A1 – Alexandra Palace
- 2A.1 Parliament Hill
- 4A.1 Primrose Hill
- 6A.1 Blackheath Point

River prospects

- 11B – London Bridge
- 15B – Waterloo Bridge

- 10.80 The proposed building would be hidden in views from Greenwich Park (View 5A.1) and would not impact of the UNESCO Maritime Greenwich World Heritage Site.

Local character

- 10.81 The application site is set within a diverse urban context of low to mid rise buildings with no defined or dominant historic or stylistic form although there is a general consistency of height established by 4-6 storey buildings. The high rise office towers of Canary Wharf provide a backdrop to the site, particularly in views southeast along West India Dock Road, but are located some 700 m. distant and south of the DLR tracks.
- 10.82 The proposed development is clearly at odds with local character. Its layout, mass, height, facing materials and articulation differ dramatically from the surroundings. Whilst planning permissions in 2007 and 2010 determined that a building larger than the surroundings would be appropriate to mark the public transport node at Westferry DLR station and the north western entrance to the Canary Wharf Estate; the scale now proposed contrasts drastically with the functional importance of this location and is without policy support. In long range views, the building would stand alone, significantly separated from the

Canary Wharf cluster and not in a location within the Town Centre Hierarchy (Figure 14 above) identified for tall buildings.

- 10.83 Historic England comment that: *“While tall buildings are a feature of the backdrop of many historic buildings in this area, the development site is set away from that context.”* In townscape analysis and in local views, the scheme represents an awkward, excessive mass towering over much finer grain and lower existing urban fabric. The design makes no attempt to relate to its surroundings. Even dividing the building into two sections of different heights fails to provide local references or improve the relationship with the context. The scheme’s gigantic scale would dwarf every existing development over a significant radius and would appear not only out of local character but also detrimental to it.
- 10.84 The site itself is small for a building of the magnitude proposed and the footprint would cover it almost entirely. There is no opportunity for the scheme to define its own setting.
- 10.85 The Council’s Conservation and Design Advisory Panel raised these issues at both review sessions in April and October 2016 advising the scale of the development would be inappropriate for this location and was not convinced by the applicant’s attempt to place the building in the context of tall buildings in and around Canary Wharf.

Heritage assets

- 10.86 The proposed building would be highly visible from four surrounding conservation areas and would impact on the setting of numerous listed buildings within them, the most important being the West India Import and Export Dock (Grade I), the Warehouses and General Offices at North Quay (Grade 1), St Anne’s Parish Church (Grade I – Ecclesiastical Grade A) and those at Limekiln Dock (Grade II).

West India Dock Conservation Area

- 10.87 The proposed building would rise considerably over the Import and Export Dock and the former Warehouses and General Offices on North Quay (Figure 15 below). Whilst the new building would be viewed in the background, approximately 230 m. away, Historic England advise that the warehouses and the Grade I Dock are a valuable historic ensemble which would decline in prominence as a result of the proposed tall building interrupting the roofline at their western end. This opinion is shared.
- 10.88 In 2007, considering the then 20-storey building proposed, the Inspector found (paragraph 57):
- “The Grade 1 West India Dock Warehouse lies even closer to the appeal site, perhaps 225 metres away at its closest point; but again I do not consider that the appeal development would have any adverse impact on the listed building or its surrounding Conservation Area. The Warehouse has a presence which dominates its surrounding area without the need for any great height, and the Conservation Area as a whole loses none of its impact to the many existing high modern buildings in the immediate area.”*
- 10.89 Tall buildings have been constructed in the vicinity of North Quay but all lie to the east and south east. Permission has also been granted for additional tall

buildings in the vicinity of North Quay, particularly the redevelopment of Hertsmere House adjacent to the south. Whilst the listed dock, the Warehouse and the related Conservation Area have not lost their impact or character due to these buildings, no tall buildings have impacted on the skyline of the Grade 1 Warehouse that remains entirely unsullied.

- 10.90 At 37-storeys and with a far greater mass and bulk, the impact of the proposed scheme on the West India Dock Conservation Area and the Warehouse would be very different from the earlier proposals, including that considered by the Inspector in 2007. Officer's advice is that the development would fail to preserve or enhance the character and appearance of the Conservation Area and adversely affect the setting of the listed building (the statutory tests within Sections 66(1) and 72(1) of the Listed Building and Conservation Areas Act). The degree of harm to the North Quay Warehouse and the Conservation Area would be at least less than substantial in terms of the NPPF tests but could be considered to cause substantial harm.



Figure 15 – CGI Proposed view north-west behind Grade I listed Warehouse North Quay and Import and Export Dock, West India Docks

The St Anne's Church Conservation Area

- 10.91 The Grade I listed St Anne's Parish Church, its historic churchyard, and the Grade II listed Limehouse Town Hall form the civic heart of the St Anne's Church Conservation Area.
- 10.92 Important views of the tower of St Anne's church from both West India Dock Road and the DLR looking west towards the conservation area would be lost. Whilst the same outcome would have resulted from the 20-storey residential tower permitted in 2007 and the 16-storey hotel permitted in 2010, no assessment was made at the time of the impact of the buildings from locations on West India Dock Road or the railway.
- 10.93 The Conservation Area Appraisal and Management Guidelines say "*ensuring an appropriate scale for developments within and adjacent to the Conservation Area will be critical to protect the prominence of St Anne's Church in views across and within the Conservation Area.*" For example, there is an important local view at the junction of Salmon Lane with Commercial Road where the church tower aligns with the old Town Hall. The height of the building now proposed, would appear in the background of the church tower or alongside it depending on the viewpoint. It would be approximately 315 m. behind the church tower and would rise half way up the tower where it rises above the Town Hall roof. Historic England advises this would be a minor impact on the setting of the Grade I church but the view study indicates that this is unlikely to be the cause of major concern.
- 10.94 The applicant states:

"The stone of the Church tower (and the brick of the Town Hall) would be readily distinguishable against the glazed elevations of the Proposed Development."

The Church tower and the Town Hall, with their solid appearances, foreground position and the greater apparent height of the former, would remain the dominant features within the view, with the Proposed Development having a recessive, background quality."

"In the cumulative situation, the consented scheme at North Quay would appear directly behind the Town Hall. The consented scheme at Hertsmere House would appear to the side of the Town Hall and Church tower, and would be seen much more clearly than the Proposed Development. Other cumulative schemes would appear to the south (right in this view) of Hertsmere House. Overall, the Proposed Development would appear as part of a background layer of tall development in the cumulative situation, distinct from the listed buildings further in the foreground."



Figure 16 – Limehouse Town Hall, St Anne’s church tower and wirelines of cumulative development

- 10.95 The 2007 and 2010 schemes did not affect this view as the buildings were approximately half the height of the development now proposed and did not impinge on views of the church tower. The development at Hertsmere House is some 635 m. from St Anne’s with other tall buildings at Canary Wharf even more distant. Officers consider that whilst the degree of harm to the church tower in this view would be less than substantial, the proposed development due to its height would fail to preserve or enhance the character and appearance of the Conservation Area and adversely affect the setting of the listed group of St Anne’s church and Limehouse Town Hall.

Narrow Street Conservation Area

- 10.96 The degree of change the proposals would bring to the setting of Limekiln Dock within the Narrow Street Conservation Area would be considerable. The dock itself is Grade II listed and around its perimeter are several other Grade II listed structures (148 & 150 Narrow Street, St Dunstan’s Wharf, and the four warehouses comprising Dunbar Wharf). The historic form of the dock can be appreciated without any highly contrasting modern development when viewed from the Thames Path where it crosses the dock entrance. The proposals would fundamentally alter this aspect of the significance of the dock and its associated buildings, and the role it plays within the conservation area. Historic England advises the proposals would erode the pristine historic setting of the dock as currently experienced.
- 10.97 The new building at 82 West India Dock Road would be sited approximately 230 m. from the head of the dock and terminate views up the dock. Whilst the 2007 and 2010 schemes would have intervened in this view, neither scheme was assessed for impact on Limekiln Dock. Further, the current scheme is

approximately twice the height and of greater mass than the earlier proposals with far greater impact.

10.98 The applicant states:

“The Proposed Development would appear beyond the eastern end of the dock in this view. It could be understood to lie in the middle distance, and its height and extensively glazed appearance would form a clear contrast with the largely brick, lower scale buildings in the foreground, including the listed buildings. The Proposed Development would have an attractive and distinctive articulated form and elevational approach, and it would form a high quality focal point within this view with a directional quality, marking the western approach to Canary Wharf, and the Westferry DLR Station.”

“In the cumulative situation, the consented Hertsmere House scheme would be visible to the south (right in this view) of the Proposed Development, rising to a greater apparent height than it, and combining with the Proposed Development to form a background layer of tall development within the view, distinct from the brick buildings in the foreground.”

“the existing hotel and residential consents for the Site would be visible in the same location as the Proposed Development, with either appearing as a sizable modern building in the view...”



Figure 17 - Limekiln Dock. View as proposed with wirelines of the permitted 2007 and 2010 schemes and Hertsmere House

10.99 There is no policy in the Tower Hamlets Local Plan that identifies the development site as suitable for a building of the size proposed. Hertsmere

House is some 440 m. from Limekiln Dock, approaching twice the distance of 82 West India Dock Road, and would only be observed in oblique views. Whilst the degree of harm to Limekiln Dock, its associated listed building and the Narrow Street Conservation Area may be less than substantial in terms of the NPPF test; officers advise that the proposed drastic change to the setting of the designated heritage assets would also fail to preserve or enhance the character and appearance of the conservation area and adversely affect the setting of the listed dock and its group of listed buildings.

Lansbury Conservation Area

10.100 The Lansbury Conservation Area was designated to preserve and safeguard the original character and integrity of post-war housing built as part of the Festival of Britain. The housing is located towards the eastern end of the designated area. The proposed building would appear in the backdrop to outward view from the conservation area, similar to the existing background provided by the Canary Wharf cluster. Officers consider that the character and appearance of the Lansbury Conservation Area would be preserved and the proposal would not adversely affect the setting of listed buildings within the designated area.

Summary

10.101 Planning permissions in 2007 and 2010 determined that a tall building would be appropriate to mark Westferry DLR station. The building now proposed is very different in terms of height, mass and resultant impact. Given the excessive scale relative to local character, the failure to preserve or enhance the character and appearance of surrounding conservation areas and the adverse impact on the setting of listed buildings causing either substantial or less than substantial harm; officers consider that the development conflicts with planning policy at national, regional and local levels.

10.102 The scheme would be inconsistent with NPPF Chapter 7 *'Requiring good design'* paragraphs 58 and 59, Chapter 12 *'Conserving and Enhancing the Historic Environment'* London Plan Policy 7.4 *'Local character'*, Policy 7.7 *'Location and design of tall and large buildings'*, Policy 7.8 *'Heritage assets and archaeology'*, Tower Hamlets Core Strategy Policy SP10 *'Creating distinct and durable places'* and the Managing Development Document Policy DM24 *'Place sensitive design,'* Policy DM26 *'Building heights'* and Policy DM27 *'Heritage and the historic environment.'*

10.103 If a proposal will lead to substantial harm to the significance of a designated heritage asset, the NPPF says that consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

10.104 At Stage 1, the Mayor advised that the proposed building will cause *'less than substantial'* harm to heritage assets, which will be outweighed by considerable public benefits, including the regeneration of the long vacant site, additional market and affordable housing of a high quality, a large area much improved public space, improved access to the DLR station, as well as economic and regenerative benefits to the wider area.

10.105 Whilst the proposal would result in public benefits by bringing a long vacant site back to beneficial use, by the provision of new housing including affordable homes and the provision of employment within the hotel; officers consider these would not outweigh the harm that would be caused to the designated heritage assets. Such public benefits could be achieved by an alternative scheme more appropriate to its context that would not result in such demonstrable harm.

Affordable housing

NPPF

10.106 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

10.107 Policy 3.8 *'Housing choice'* requires 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.

10.108 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.

10.109 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

10.110 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 by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability).

Tower Hamlets Managing Development Document

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

Assessment

10.112 The application is supported by a Financial Viability Assessment by Savills that concluded the scheme is not commercially viable, and cannot afford to

contribute towards affordable housing. This is because the appraisal used the permitted hotel scheme as a benchmark.

10.113 Nevertheless, the proposals include affordable housing on-site. The scheme was initially designed indicatively to accommodate 143 market homes and 56 affordable homes (32%), with the final quantum to be subject to viability and discussions with the council.

10.114 BNP Paribas (viability consultants to the council) advised that the proposed development generates a surplus over and above the site benchmark value. It is therefore possible for the development to deliver more than the 32% affordable housing proposed. A 10% increase in private sales values would increase the surplus to £18,100,000. BNP Paribas recommended the council secure a review mechanism as a further increase in private values would further enhance the viability allowing further affordable housing to be provided.

10.115 Subsequently, the applicant amended the proposal including removing three bedroom intermediate units, increasing the one and two bedroom intermediate units and changing the unit mix for the affordable housing to reflect council policy. This resulted in an additional three units and an affordable housing offer of 34%, only slightly beneath the Core Strategy target.

10.116 Based on a revised Site Benchmark Value of £11 million BNP Paribas advises the scheme would produce a deficit of £100,000. Given that the applicant is willing to develop the scheme even at its current unviable status they must be assuming some form of growth over the construction period. A sensitivity appraisal demonstrates that a 5% increase in private residential values would turn the deficit to a surplus of £3,000,000. If planning permission is granted, the recommendation to secure a review mechanism is reiterated.

10.117 Given BNPP's advice, the affordable housing offer of 34% (1% beneath the Core Strategy target) is considered satisfactory. An affordable housing review mechanism has been offered. This would accord with the Mayor's Draft Affordable Housing SPG that recommends a 2 Stage review mechanism for schemes where the affordable housing offer is less than 35%.

- 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.

Residential tenure mix

NPPF

10.118 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

10.119 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.

10.120 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.

10.121 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

10.122 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

10.123 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

10.124 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

10.125 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

10.126 The proposed residential mix compared with the Core Strategy targets is as follows:

Unit size	Total units in scheme	Affordable housing						Market housing		
		Affordable rented 71.4%			Intermediate 28.6%			Private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0	0%	0%	0	0%	0%	0	0%	0%
1 bed	69	11	28%	30%	8	40%	25.0%	50	35%	50%
2 bed	100	10	26%	25%	12	60%	50.0%	78	55%	30%
3 bed	27	12	31%	30%	0	0%	25%	15	11%	20%
4 bed	6	6	15%	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	202	38	100%	100%	20	100%	100%	143	100%	100%

Figure 18 – Proposed dwelling mix and Core Strategy targets

10.127 66.1% of the affordable housing would be rented and 33.9% intermediate which is in line with Core Strategy Policy SP02 target of 70:30. London Plan Policy 3.11 (which lawfully takes precedence) seeks a 60:40 ratio. The rented units are proposed at Affordable Rent at the Borough Framework levels for the E14 postcode.

10.128 The dwelling mix within the affordable rented sector is considered satisfactory with 46% family units, in line with the 45% Core Strategy target:-

- 28% 1 bed units - policy target 30%
- 26% 2 bed units - policy target 25%
- 46% family sized (3 bed +) - policy target 45%

10.129 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:-

- 40% 1 bed units - policy target 25%
- 60% 2 bed units - policy target 50%
- 0% 3 bed units – policy target 25%

10.130 On balance, the unit mix in the market sector is considered acceptable. There would be no studios, an under provision of 1 bed units (15% below target), a welcome over provision of 2-bed units (25% above target) and an under provision of 3-bed+ family units (9% below target):-

- 35% 1 bedroom units – policy target 50%
- 55% 2 bed units – policy target 30%
- 11% 3 bed+ - policy target 20%.

10.131 21 units are designed to be easily adaptable for wheelchair users. This amounts to 61 habitable rooms from a total of 594 habitable rooms - 10.27%. This would be policy compliant with a mix of unit sizes within the social rented

and intermediate accommodation but no wheelchair adaptable units within the market housing.

Housing quality

Technical housing standards – nationally described space standard

10.132 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

10.133 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 19 - London Plan / nationally described minimum space standard

10.134 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.

10.135 Local Plans are required to incorporate minimum spaces standards that generally conform to Table 3.3. Designs should provide adequately sized rooms and convenient and efficient room layouts.

10.136 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

10.137 Design Standard 12 requires that each core should be accessible to generally no more than eight units per floor.

10.138 Design Standard 24 reflects the national space standard. Additionally, 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. Para. 2.3.32 says exceptionally where it is

impossible to provide private open space for all dwellings, a proportion may be provided with additional internal living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA.

10.139 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.

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

10.141 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.

10.142 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

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

Tower Hamlets Managing Development Document 2013

10.144 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.

10.145 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*'

10.146 The BRE provides advice on daylight and sunlight within proposed residential accommodation. 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

Assessment

10.147 The submitted Design and Access Statement Addendum May 2017 indicates that all the proposed residential units achieve or exceed minimum internal spaces standards as would room sizes. Floor to ceiling height would be 2.6 m. The development would provide private amenity space comprising individual winter gardens for each apartment that exceed the Mayor's '*Housing*' SPG requirements. These areas are in addition to the internal areas of the dwellings.



Figure 20 – Precedent of proposed winter gardens

- 10.148 The core would be accessible by less than eight units per floor – two, three or five units per floor. Approximately 50% of the residential units would be dual aspect with no north-facing single aspect apartments.
- 10.149 The proposed residential units in the combined lower hotel / residential element would all be in the western part of the development facing existing accommodation in Cayman Court, Salter Street. The minimum separation distance between the residential winter gardens and habitable rooms (bedrooms) within the development and habitable rooms / balconies within Cayman Court would be 15.5 m. Whilst this would be beneath the council's 18 m. recommended minimum separation between opposing habitable rooms to ensure adequate privacy, such a distance is not uncommon across roads in Tower Hamlets and on balance it is considered adequate privacy would ensue.
- 10.150 Submitted ES Volume 1 Chapter 14 addresses '*Daylight, Sunlight, Overshadowing, Light Pollution and Solar Glare*' and is supported by ES Volume III Appendix 14.4 that provides tables of daylight and sunlight provision within the proposed development. These have been analysed by the Building Research Establishment (BRE) for the council.
- 10.151 The BRE advises that Daylight provision in the proposed dwellings is generally good. However there are eleven rooms for which daylight levels would be below the recommended values. Four are on the lower floors facing Cayman Court. The other seven are on the fifth and sixth floors under an overhang. It is not clear whether larger window areas would be possible for these rooms. Sunlight provision looks very poor, with only one living room out of the four on each floor facing due south and hence predicted to receive sunlight. However

all the other rooms have at least one west facing window each that should receive some sun.

10.152 In response the applicant states:

“The BRE guidelines provides that the guidelines are to “help rather than constrain the designer” with daylight amenity to be balanced against other factors influencing design. The windows at the lowest levels must take into account other factors such as overlooking and privacy. In respect of windows sizing we have provided input to the design to ensure glazing levels are appropriate although this must also be balanced against uniformity of the elevations and integrity of the design.”

10.153 Within the proposed development, a majority of the residential rooms assessed for natural light on the 1st to 10th floors are recessed behind winter gardens. The Environmental Statement does not explain whether the ADF and APSH results predicted have taken account of the presence of the winter gardens. However, the applicant has confirmed that a:

“worst case approach has been taken with the window face taken at the buildings thermal envelope (inner façade of the winter garden) and the area of the winter garden not included as part of the room.”

Summary

10.154 Housing and private amenity space standards would be met. The wheelchair adaptable layouts would comply with the wheelchair space standards within Part M of the Building Regulations.

10.155 The majority of residential rooms within the proposed development would meet or exceed the minimum British Standard for daylight but eleven rooms would fail. Access to sunlight would be poor for most units as they mostly face west. Privacy between the development and Cayman Court would be slightly beneath the council’s minimum recommendation but not unusual across roads in Tower Hamlets. On balance, it is considered that housing of adequate quality would be provided.

Communal amenity space

NPPF

10.156 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

10.157 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.

10.158 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.

10.159 Policy 7.5 *'Public realm'* and Policy 7.18 *'Protecting Open Space and Addressing Deficiency'* support the creation of high quality open space. Public spaces should 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.

10.160 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

10.161 Design Standard 5 supports London Plan Policy 3.6 reiterating that 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

10.162 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

10.163 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 242 m² within the development.

10.164 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.

10.165 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. Within the Local Plan, part of the Tower Hamlets Green Grid runs along Narrow Street, Limehouse Causeway and across West India Dock Road to Pennyfields.

Assessment

10.166 The GLA's child yield calculator within the Mayor's *'Shaping Neighbourhoods: Play and Informal Recreation'* SPG 2012 estimates that the development would generate 72 children (28 children under 5, 25 children aged 5-11 and 18 children aged 12+) requiring 721 m² of child play space. Including the necessary communal amenity space of 242 m² this results in a total amenity space requirement of 963 m².

- 10.167 Two shared resident's garden spaces are proposed at both roof top levels to provide communal amenity space and child play space. Both gardens would be protected by *'full height'* glazed screens to mitigate wind effects. The proportion of space allocated for communal amenity on the upper roof garden would be 139 m², which together with the communal resident's lounge of 117.8 m² results in a combined total of 256.8 m² communal amenity space, 15.8 m² above the requirement. Internal areas have been accepted as contributing to communal amenity space at South Quay Plaza and Newfoundland.
- 10.168 There would be a combined total of 520 m² child play space on both roof spaces – 230 m² on the upper roof and 390 m² on the lower roof. Both spaces would be available for all age groups and would not be segregated by housing tenure. Combined there would be a shortfall of 199 m² child play space within the development site. The application proposes upgrades to the adjacent areas of council owned public realm which could offer additional amenity space and play space that would considerably exceed the minimum guidelines. The North Plaza and the area of public realm around the base of the building measures 3,121 m², the Westferry DLR South Park measures 1,375 m² and Pennyfields Pocket Park measures 1,597 m².
- 10.169 The applicant suggests that Westferry DLR South Park could provide a new skate park, a basketball pitch, outdoor gym or two cricket nets providing a recreation facility suited to older children. It is suggested that Pennyfields Pocket Park could provide a green space suitable for younger children. The applicant says whilst the play requirements for children cannot be met within the development site, the upgrade to the adjoining amenity areas and council owned highway land could be delivered through section 106 and section 278 Agreements and enable child play space standards to be met.
- 10.170 Whilst in principle no objection is seen to the upgrading of the land adjoining the surrounding highways, officers do not consider these areas offer viable alternatives for the provision of child play space that cannot be met on site. The area adjacent to the DLR South entrance comprises a small landscaped area between the back edge of pavement and the DLR viaduct and it is not obvious that it is suitable for the suggested uses. The Pennyfields open space is some 110 m. from the development site but is not readily accessible being separated by busy multi-lane highways including the dual carriageway of West India Dock Road.

Impact on surroundings

The London Plan 2016

- 10.171 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'* says: *"Tall buildings should not: ...affect adversely their surroundings in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference."* The GLA's Stage 1 Report is silent on the development's impacts on sunlight and daylight and microclimate.

The Mayor's 'Housing' SPG 2016

- 10.172 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

- 10.173 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

- 10.174 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.'

- 10.175 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 Handbook also provides guidance for assessing overshadowing of future adjoining development land.

Assessment

- 10.176 The relationship between the proposed development and Cayman Court is explained above. The separation to other residential buildings in the locality would far exceed the council's standard.

10.177 The applicant's Environmental Statement (ES) assesses the impact of the proposal on the sunlight and daylight impact on surrounding residential property identified in Figure 21 below. The ES includes Appendix I 'Daylight, Sunlight and Overshadowing' by Eb7. A supplementary report by Eb7 dated July 2016, specifically assesses the daylight & sunlight impact on Cayman Court, 9 Salter Street immediately to the west. These documents have been independently reviewed for the council by the Building Research Establishment (BRE).

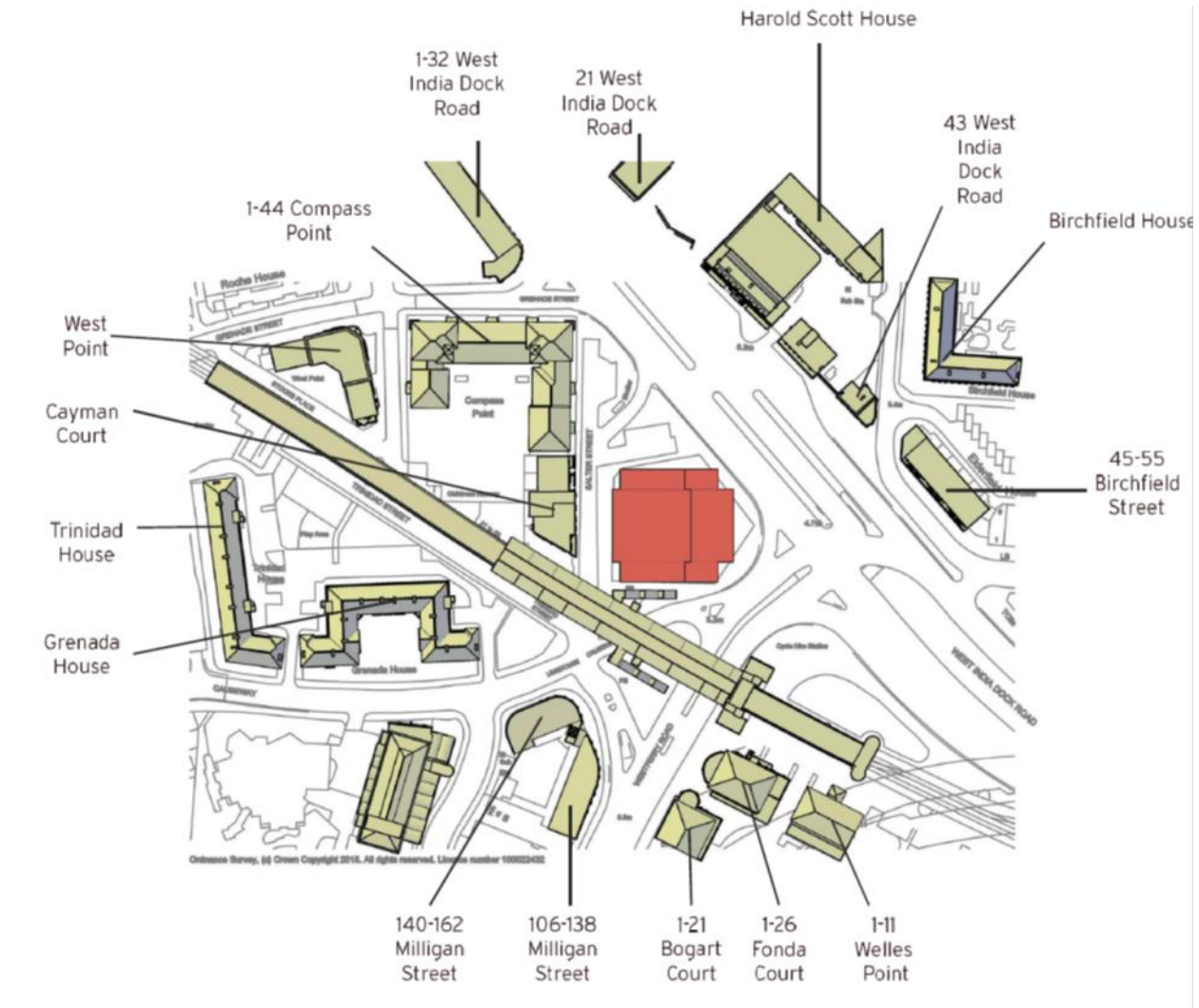


Figure 21 - Application site (red) and surrounding residential buildings

10.178 For both Daylight Vertical Sky Component (VSC) and Sunlight (ASPH) the BRE Handbook 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**

10.179 The following Table summarises the development's impact on daylight and sunlight to surrounding residential properties. The BRE's conclusions are similar to those in the Environmental Statement, except for Compass Point and the impact on sunlight to Cayman Court.

Location	Impact on daylight	Impact on sunlight
Westferry Arms, 43 West India Dock Road	Minor adverse	Negligible
Harold Scott House	Minor adverse	Minor adverse
45-55 Birchfield Street	Minor adverse	Negligible
Birchfield House	Negligible	Negligible
Cayman Court	Major adverse	Major adverse
Compass Point	Moderate adverse	Moderate to major adverse
1-32 Rich Street	Negligible	Negligible
West Point	Minor adverse	Minor adverse
Trinidad House	Minor adverse	Not applicable
Grenada House	Minor adverse	Not applicable
106-162 Milligan Street (Westferry Studios)	Negligible/Minor adverse	Not applicable
Bogart Court	Minor/moderate adverse	Not applicable
Fonda Court	Minor adverse	Not applicable
Welles Court	Minor adverse	Not applicable

Figure 22: Summary of daylight and sunlight impact to surrounding residential properties

10.180 The proposed development would affect a large number of windows. 217 windows in total would have losses of vertical sky component outside the BRE guidelines. However in most cases the resulting values would be either only just below the guidelines, or there is some other factor like a balcony or overhang above the windows that contributes to the relative reduction in light.

10.181 The exception is to Cayman Court and the southern end of Compass Point, where there would be a very substantial reduction in both daylight and sunlight to windows facing the new development.

Impact on Cayman Court

10.182 Cayman Court was granted planning permission in March 2012 and comprises a part 4, part 6 storey building of 17 residential units with a 95 m2 dental surgery occupying part of the ground floor.



Figure 23 - Cayman Court, taken from Westferry DLR station



Figure 24 – Cayman Court from Salter Street

10.183 Windows on the east side of Cayman Court would face the new development across Salter Street and would experience a very large loss of daylight. Vertical sky components would generally be between 0.12 (88% loss) and 0.55 (45% loss) times their current values, much lower than the BRE recommended ratio of 0.8 (20% loss). In addition, 14 rooms would have an impact on their daylight distribution well in excess of the BRE guidelines. In multiple cases the VSC of windows serving kitchen/living/dining rooms would be reduced from the upper teens to low single figures. The Environmental Statement conclusion of a major adverse impact on daylight is correct.

10.184 Eb7's document '*Daylight and sunlight report: 82 West India Dock Road London Supplementary Report*' deals specifically with the loss of light to Cayman Court. This gives various arguments in support of the development which are summarised below in italics. The plain text afterwards gives BRE's commentary on the applicant's arguments.

- *Most of the affected rooms are bedrooms which are less important, not main habitable rooms.* BRE comment: Sixteen of the affected rooms are bedrooms, but there are also ten living rooms that would experience significant losses of light.
- *Rooms at the south end of the building enjoy their principal aspect looking south away from the proposal.* BRE comment: Five of the ten living rooms have windows facing south across the DLR railway that would be unaffected, so the loss of light is not as severe as for the other five living rooms that are solely served by windows on the side facing the development site. However these south facing windows are secondary windows, smaller than the main window facing the development site, so cannot be considered as the '*principal aspect*'. The overall loss of light to these rooms is still significant.
- *The daylight distribution (NSC) is less affected than the vertical sky component for some rooms.* BRE comment: The two quantities measure different aspects of the daylight in a room. The vertical sky component measures the amount of light reaching the window, so if this drops significantly there is still an impact on the amenity of the room even if the NSC is unchanged. In fact, for 14 of the rooms the daylight distribution is substantially affected too.
- *Cayman Court was built in 2011, when there were existing consented schemes for the site that would have also have resulted in a big loss of light.* BRE comment: The vertical sky components would be significantly worse with the current scheme. For example, for window W19 on the ground floor the vertical sky component would be 13.6% with the current proposals, compared to 18.6% with the 2007 scheme and 17.9% with the 2010 scheme. For window W8 on the second floor, the vertical sky component would be 7.9% with the current proposals, less than half the 17.2% with the 2007 scheme and 17.3% with the 2010 scheme. For window W8 on the fifth floor, the vertical sky component would be 6.6% with the current proposals, again less than half the 17.9% with the 2007 scheme and 16.2% with the 2010 scheme. The extra loss of light is due to the different form of the current proposals. The 2007 and 2010 schemes both had a lower

block next to Cayman Court with a tall element at the other end of the site.

- *The new development will be clad in white backed glass that will reflect extra light to Cayman Court.* BRE comment: Eb7 have analysed the 2010 and 2016 schemes using 'Radiance', a computer program that can model reflected light. The reflectance graphs in their report were not readable, so it has not been possible to check the values used, and they do not state what other assumptions were made; whether dirt on the buildings was allowed for, whether the clear glass windows to both schemes were included, and what reflectance were assumed for other obstructions. The results show similar results for both schemes, with most of the average daylight factors on the upper floors being worse with the 2016 scheme, but those in rooms with windows facing away from the scheme being better. Having high reflectance surfaces can cause issues for solar dazzle.

10.185 The BRE advises that sunlight has not been analysed for the windows in Cayman Court facing the development site. Assessment is only recommended to existing windows that face within 90° of due south. The windows in Cayman Court that face the new development are oriented close to due east. On the applicant's site location plan they appear to face slightly north of due east, which presumably is why loss of sunlight to these windows was not analysed.

10.186 The five living rooms at the southern end of Cayman Court would retain enough sunlight through their south facing windows, which would be unaffected by the proposed development. Two of the other five flats, on the ground floor, have another living room facing west which would be unaffected. The other three flats, on the second and third floors, only have windows on the side of the building nearest to the development site, and the loss of sunlight is expected to be substantial. For the only window that has been analysed, facing south onto a balcony area, the annual probable sunlight hours would drop from 29% to 8%.

Impact on Compass Point

10.187 Compass Point is a recent development, north of Cayman Court. The BRE advises that the loss of daylight would not be as substantial as for Cayman Court as the relevant windows would receive light around the north of the proposed building. However there would be a loss of vertical sky component outside the BRE guidelines for 35 windows. For most of these the loss would be only slightly below the guidelines, but for the three flats at the southern end of the building facing Salter Street there would be bigger losses of light, with vertical sky components dropping to around 0.6 times their current values (40% loss). Because of the number of windows affected and the sizable loss to some of them, this would be classed as a moderate adverse impact overall, rather than a minor adverse impact as stated in the Environmental Statement.

10.188 Loss of sunlight to these flats at the southern end of the Salter Street side would also be substantial as the new development would block out the southern part of the sky. Eight living rooms would lose over half their annual sunlight. For the building as a whole, the Environmental Statement conclusion of a moderate adverse effect on sunlight is appropriate, but for the flats at the southern end, a major adverse impact on sunlight would be experienced.

Comparison with earlier permissions

- 10.189 The developer says that the application site benefits from historic planning permissions such that a degree of impact upon Cayman Court has always been anticipated. The ES assesses the impact on daylight and sunlight reaching Cayman Court (had Cayman Court existed at the time) as a result of the Planning Inspectorate's permission for redevelopment by a 20-storey residential tower PA/04/01038 and the council's 2010 permission for a hotel PA/09/02099. These are repeated in the supplementary report by Eb7 dated July 2016. The BRE's advice on this issue is reported at the 4th bullet point at paragraph 10.184 above.
- 10.190 Officers note that the Daylight and Sunlight Report by GL Hearn that accompanied application PA/04/01038 did not assess the impact of the development on the development potential of the site 16-22 Salter Street that was then occupied by a single storey commercial building (Speedy Hire) and is now occupied by Cayman Court. In 2007, the Planning Inspector only considered the impact of the proposed development on occupiers of adjoining residential properties, particularly Compass Point reporting: *"In terms of daylight, five windows of the flats in Salter Street would not receive the minimum daylight requirements suggested by the BRE Guide, but the most affected window would only be deficient by 3.2%."* The Inspector concluded *"the impact on sunlight and daylight for adjoining occupiers would be very limited."* The Inspector did not assess the impact of the then proposal on the development potential of 16-22 Salter Street.
- 10.191 The Daylight and Sunlight Report (also by GL Hearn) that accompanied application PA/09/02099 for the 16-storey hotel permitted in 2010, again did not assess the impact on the development potential of 16-22 Salter Street. The report was also misleading as it compared the impact on surrounding buildings, including Compass Point, to the scheme permitted by the Planning Inspectorate in 2007, failing to use the existing conditions as a baseline. Consequently, the predicted results failed to assess the actual reductions arising from the proposed development.
- 10.192 The Daylight and Sunlight Report (by Nathaniel Lichfield & Partners) that accompanied application PA/11/01640 for the construction of Cayman Court, took account of the planning permission for the construction of a 16-storey hotel at 82 West India Dock Road and concluded:
- "The ADF results demonstrate that the main rooms and bedrooms within all of the proposed units will comply with relevant British Standard guide levels for interior daylighting which are cited within the BRE guidance."*
(Paragraph 5.21)
- 10.193 As the BRE explains (4th bullet point above), the extra loss of light that would be caused by the current proposals is due to the different form of the 2007 residential scheme and the 2010 hotel development that both had a lower block next to Cayman Court with a tall element at the other end of the site.



Figure 25 – 2010 16-storey hotel with lower 3-storey block opposite the site of Cayman Court

10.194 The BRE advises that existing and proposed open spaces would meet the recommendation for two hours of sunlight on March 21st.

10.195 The proposed building would have large areas of reflecting glass particularly facing Cayman Court. The BRE has expressed concern about solar glare dazzling motorists on surrounding roads. The applicant has explained that it is not proposed that the building be fully clad in very highly reflective materials with standard materials applied across the majority of the facades. The BRE advises that should planning permission be granted it would be reasonable to impose a condition requiring approval of the glazing types, their reflectance level and resultant solar glare.

Summary

10.196 Officers advise that the impact on the amount of natural daylight reaching Cayman Court and at the southern end of Compass Point would significantly breach BRE Guidelines and development plan policy. The reductions would be combined with a 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 on Salter Street. 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. Members should consider whether the public benefits of the scheme, namely redevelopment of a long vacant site, the provision of additional housing including affordable housing, employment within the hotel and works to the public realm, are sufficient to outweigh the harm.

Microclimate

Overview

- 10.197 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 and thoroughfares unsuitable for their intended purpose. The Lawson Comfort Criteria (LCC) 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 26 - Lawson Comfort Criteria (LCC)

- 10.198 For a predominantly residential urban site such as the application site, the desired wind microclimate would typically need to have areas suitable for sitting, entrance use, pedestrian 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 should be assessed on the basis that they are intended for good-weather use only with sitting or standing conditions during the summer acceptable.
- 10.199 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+) are outside the LCC and should be reported separately.

London Plan 2016

- 10.200 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

- 10.201 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

- 10.202 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

10.203 Policy DM24 '*Place sensitive design*' requires development to take into account impacts on microclimate. Policy DM26 '*Building heights*' requires proposals for tall not to adversely impact on the microclimate of the surrounding area, the proposal site and public spaces.

Assessment

10.204 The applicant's Environmental Statement Volume 1 Chapter 13: and Volume III Technical Appendix H assesses 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; although the nearest proposed building in the cumulative scenario is Hertsmere House which is too distant to affect the results.

10.205 There were no occurrences of strong winds of Beaufort Force 6 or above in the Baseline Scenario.

10.206 The complete development would result in 26 of the points assessed at ground floor level experiencing strong winds in excess of Beaufort Force 6 and Force 7 with mitigation required to make these areas safe to use. The roof top amenity spaces observed conditions suitable for '*sitting*' during the summer.

10.207 A landscaping scheme is proposed consisting of eight 7.5 m. tall semi-mature evergreen trees along the east side of Salter Street; seven 7.5 m. tall semi-mature evergreen trees on the island to the north between Salter Street and West India Dock Road, and twelve 7.5 m. tall semi-mature trees to east of the site along West India Dock Road.

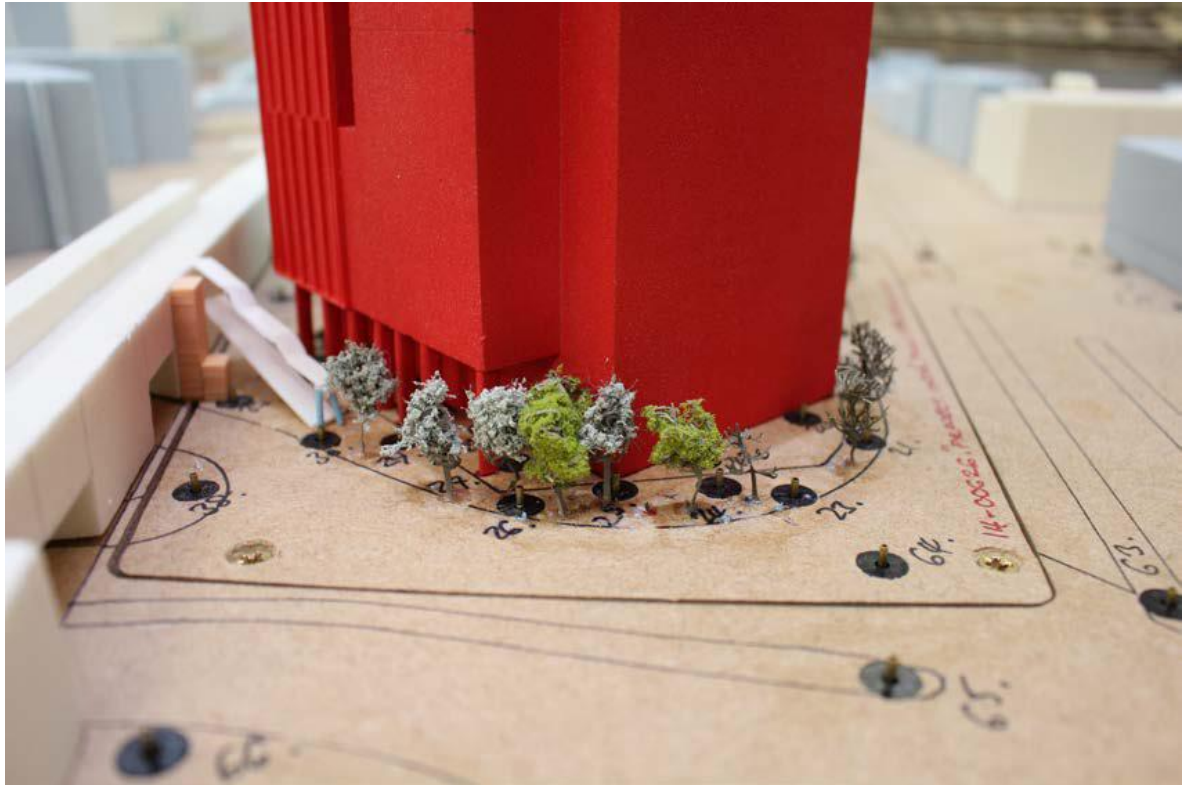


Figure 27 - 7.5 m. tall semi-mature evergreen trees to the south and east of the proposed development along West India Dock Road



Figure 28 - Two rows of four 7.5 m. tall semi-mature evergreen trees along Salter Street & 7.5 m. tall semi-mature evergreen trees on LBTH land to the north between Salter Street and West India Dock Road

10.208 With the above planting, the testing identified two locations requiring further mitigation. These are the north-facing and south-facing entrances on the western side of the development where *'leisure walking'* conditions were identified during the windiest season i.e. two LCC steps from the target for *'entrance doors'*. The ES advises that localised mitigation to these entrance locations, such as screens or shrubs in planters would be required. The applicant states that the submitted landscaping scheme has been amended to ensure that the two entrance locations achieve the desired conditions during the windiest season.

10.209 The applicant's Environmental Statement has again been independently reviewed for the council by the Building Research Establishment (BRE). The BRE was asked to:

- Assess the information within the application and the Environmental Impact Assessment and advise on whether the proposed development with the suggested mitigation in place would result in satisfactory microclimate conditions around the building and on the rooftop amenity areas,
- Advise on whether the proposed mitigation measure would be likely to be successful long term.

10.210 The BRE advises of the following concerns:

1. *The unsuitability of the wind microclimate for the intended uses around the development with mitigation measures in place.*
2. *The presence of 'strong winds' around the proposed development despite the inclusion of mitigation measures.*
3. *The lack of quantitative wind microclimate assessment of the proposed development with cumulative surrounding buildings and mitigation measures.*
4. *The changes made to the proposed development model between the test configuration with mitigation measures and the test configurations without mitigation measures.*
5. *The omission of an assessment of the wind conditions in the following areas: the raised DLR railway, the pedestrian platforms of the Westferry Station, the passageways beneath the raised DLR railway, and the roads around the proposed development.*
6. *The use of a limited seasonal approach to assess the wind conditions on the balcony and roof-level terraces.*

Transport and highway considerations

NPPF

10.211 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.

10.212 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

10.213 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*

10.214 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. Development should not adversely affect the safety of the transport network.

Cycle parking standards

10.215 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 C3 (dwellings) 1 cycle space for single bed units, 2 cycle spaces for all other dwellings. In addition, one short stay cycle parking space should be provided per 40 units. Hotels should provide 1 long-stay cycle space for 20 bedrooms and 1 short-stay space per 50 bedrooms.

Car parking standards

10.216 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 PTAL6 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. The Mayor’s ‘Housing’ SPG Design Standard 18 says each designated wheelchair accessible dwelling should have a car parking space that complies with Part M4 (3). No standard is given for wheelchair adaptable units.

10.217 Table 6.2 refers to parking for hotels as follows:

“Although no maximum standards are set for hotels, the following approach should be taken for applications referred to the Mayor. In locations with a PTAL of 4 –6, on-site provision should be limited to operational needs, parking for disabled people and that required for taxis, coaches and deliveries/servicing.”
(Paragraph 6A.8)

“Developments should provide for one coach parking space per 50 rooms for

hotels.” (Paragraph 6A.9)

- 10.218 TfL’s Transport Assessment Best Practice Guidance Document 2010 advises that development of 2,500 m² or more should be supported by a transport assessment.

Tower Hamlets Core Strategy 2010

- 10.219 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. West India Dock Road is not identified as a *‘Main Street’* although Aspen Way is so identified. Secondary Streets should function as important distribution routes for vehicles (including buses), cyclists and pedestrians. 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

- 10.220 Policy DM7 *‘Short stay accommodation’* criterion d. supports hotel development where there is adequate road access and servicing for coaches and other vehicles undertaking setting down and picking up movements.
- 10.221 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.
- 10.222 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. The London Plan’s standard of 1 coach space per 50 hotel rooms is repeated.

Assessment

- 10.223 The proposals include alterations and enhancements to the existing public highways within and adjoining the application site. The applicant suggests these are delivered through section 278 and section 106 Agreements with the council. Vehicular access to the development would be via a new one way link from West India Dock Road into Salter Street where a private, dedicated drop-off and servicing bay would be provided. This involves the use and stopping up of Mandarin Street which is partially owned by LBTH. Mandarin Street would be subject to public realm enhancements and, as part of the stopping-up process the six existing residents permit on-street parking spaces would be removed. The works include the widening of Salter Street to incorporate three on-street parking bays, with the remainder of Salter Street controlled by double yellow lines to prohibit parking but allow refuse collections and loading and

unloading. Transportation and Highways advise that in principle the proposed arrangements are broadly acceptable.

10.224 The site has a TfL Public Transport Accessibility Level PTAL 6a ‘Excellent’. The development would increase trips on the public transport network, including buses, and the DLR at Westferry. There is no suggestion that development in this location should be restrained due to inadequate public transport capacity. Neither TfL nor the DLR raises capacity concerns and no representation has been received from London Bus Services Ltd.

10.225 The development does not provide any off-site car parking but proposed alterations to the public highway on the eastern side of Salter Street allow for three on-street bays for Blue Badge Holders, although these could not be dedicated to any particular use or user and could be used by any Blue Badge holder. The development would be permit free with residents unable to obtain on-street residents or business parking permits from the borough unless they are Blue Badge Holders. Should planning permission be granted, these arrangements could be secured by legal agreement.

10.226 The car parking proposals comply with requirements of the London Plan and Tower Hamlets’ MDD Appendix 2.

10.227 Development plan standards indicate that parking for seven coaches would be required for a 320 bedroom hotel. This cannot be achieved on site under the proposed design. A service layby would be provided on Mandarin Street that could provide parking / drop for a single coach. This is considered adequate for a site with PTAL 6a adjacent to Westferry DLR station.

10.228 A minimum of 368 cycle parking spaces would be provided for residents in secure stores at basement level accessed via a lift. Separate cycle parking (a minimum of 16 spaces) would be provided for hotel employees along with 16 lockers and 2 showers. Visitor cycle parking would be provided consist of Sheffield stands at ground level within the public realm close to the building entrances, catering for both commercial and residential visitors. There would be 399 cycle spaces in total that would accord with London Plan and MDD standards.

Land Use	Proposed	
	Long Stay	Short Stay
Residential	368	6
Hotel	16	7
Retail/Community	0	2
Total	384	15

Figure 29 – Proposed cycle parking provision

10.229 Should permission be granted, the impact of construction traffic on the road network could be controlled by a condition requiring the submission and implementation of a Construction Logistic Plans.

Secured by Design

- 10.230 Policy 7.3 of the London Plan and policy DM23 of the MDD seek to ensure that developments are safe and secure.
- 10.231 The development has been assessed by the Metropolitan Police Crime Prevention Officer who has no objection in principle but recommends that any planning permission should be conditioned to require prior to the commencement of the development details to be approved in writing by the local planning authority demonstrating how the principles and practices of '*Secured by Design*' have been incorporated into the development. The development should achieve Secured by Design accreditation.

Waste management

The London Plan 2016

- 10.232 Policy 5.3 '*Sustainable Design and Construction*' requires that the highest standards of sustainable design and construction be achieved 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.
- 10.233 Policy 5.17 – '*Waste capacity*' requires suitable waste and recycling storage facilities in all new developments. The Mayor's '*Housing*' SPG 2016 Design 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

- 10.234 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. MDD Appendix 2 '*Standards*' Part 3 '*Waste*' provides capacity guidelines for residential waste that are to be revised in emerging revisions to the Local Plan and a Waste SPG.

Assessment

- 10.235 Chapter 6 of the submitted Environmental Statement provide a detailed assessment of the likely effects on waste and recycling as a result of the proposed development. It is supported by an Operational Waste and Recycling Management Strategy within ES Volume III: Appendix C. This includes calculations of anticipated waste arising from the proposed residential and commercial uses and details of how these will be managed. It takes account of applicable policy and guidance at national, regional and local levels and follows consultation with the Council's Waste Officer and emerging supplementary guidance. The methodology for calculating hotel waste storage requirements

has been based on real-life data provided by Veolia from operational hotels within the area.

- 10.236 Waste storage for the residential element would be within a basement waste store, accessible via the residential lift. The waste for the retail elements would be stored within each individual unit. Hotel waste would be collected from each room by the cleaning staff and transferred to a ground floor waste store via the stairs or the service lifts. Kitchen staff would transfer the waste from the kitchen to the ground floor waste store. Residential waste would be collected from a service area via Salter Street. Hotel waste would be collected from the service layby on Mandarin Street.
- 10.237 The proposed arrangements have been designed to be compliant with all relevant policy regard to waste and are considered policy compliant.

Energy and sustainability

The NPPF

- 10.238 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

- 10.239 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).

- 10.240 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

- 10.241 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

- 10.242 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

10.243 The SPD contains the mechanism for any shortfall in CO2 reduction on site to be met through a carbon offsetting financial contribution. In addition, the council adopted a Carbon Offsetting Solutions Study (Cabinet January 2016) to enable the delivery of carbon offsetting projects.

Assessment

10.244 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.

10.245 The submitted Energy Strategy has followed 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. The proposals are anticipated to achieve CO2 emission reductions of 6% through 'Be Lean' measures, 23% through a CHP (230kWe to provide hot water requirements for the development and space heating requirements of the residential) site wide heat network and 1% from air source heat pumps (providing the space heating/cooling for the hotel). The cumulative CO2 savings from these measures are proposed to be in accordance with London Plan requirements at 29%. However, the proposals fall short of the MDD Policy DM29 to achieve a 45% reduction in CO2 emissions.

10.246 The CO2 emissions are:

- Baseline - 971 Tonnes/CO2/year
- Proposed design - 687 Tonnes/CO2/year
- LBTH policy requirement - 534 Tonnes/CO2/year
- Annual Shortfall - 153 Tonnes/CO2/year

10.247 Carbon Offsetting: It is recommended that the shortfall in CO2 emission reduction is met through a carbon offsetting payment in line with the Planning Obligations SPD and the adopted Carbon Offsetting Solutions Study. Based on the current energy strategy a carbon offsetting contribution of £275,400 would be appropriate. The calculation for this figure is as follows:

- Shortfall to meet DM29 requirements = 153 tonnes/CO2 x £1,800 = £275,400 offset payment to meet current policy requirements.
- This should be secured through appropriately worded section 106 agreement for £275,400 to be paid prior to commencement of development.

10.248 Sustainability: MDD Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. The current interpretation of this policy is to require all non-residential development to achieve BREEAM 'Excellent.' The applicant has submitted a BREEAM pre-assessment which shows the scheme is designed to achieve BREEAM 'Excellent' with a score of 71.50. This is supported by the Council's Sustainable Development Team that recommends that the submission of a final certificate to demonstrate it has been delivered should be secured via condition.

Air Quality

The London Plan 2016

10.249 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.'*

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

Tower Hamlets Core Strategy 2010

10.251 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

10.252 Policy DM09 *'Improving air quality'* requires major development to submit an Air Quality Assessment demonstrating how it will prevent or reduce associated air pollution.

Assessment

10.253 The Air Quality Assessment within the Environmental Statement shows that the development is located in an area of very poor air quality and the development will introduce new residential exposure. Originally mitigation was proposed in the form of mechanical ventilation but only for the 1st floor residential units. The Council's Air Quality officer was:

- Not satisfied this was adequate,
- Not satisfied that the reported results were accurate as the next modelled result was for floors 18/19 with no information provided for lower floors,
- The model verification showed that the model was drastically under-predicting the road Nox,
- The Air Quality Neutral Assessment (AQNA) shows that the building emissions would exceed the benchmarked emissions but only limited information is currently available on the proposed energy centre. The AQNA should be repeated when the proposed plant has been selected to show that the actual plant to be installed would meet the AQNA benchmarks and the GLA's emission limits.

10.254 Following the submission of further information, the Air Quality officer is satisfied that the proposals could be policy compliant and achieve air quality neutral subject to two conditions being applied to any planning permission:

- I. An Air Quality Neutral Assessment shall be submitted demonstrating that the development meets Air Quality Neutral

requirements. This should be supplied prior to the energy centre plant being installed, works to be implemented in accordance with the approved details.

- II. Air Quality mitigation to reduce the exposure of the future residents to poor air quality must be supplied up to and including the 6th floor. Details of the mitigation must be submitted along with the location of the air inlet, which should be located in an area of less polluted air, shall be submitted prior to commencement of the development, works to be implemented in accordance with the approved details.

10.255 Whilst the Air Quality Assessment has not modelled the areas indicated for the play area and sports area, the nearest receptors that have been modelled show that the hourly NO₂ objective (the relevant objective for such land uses) would not be exceeded and technically the area is suitable for such a use. However the pollution levels are high at the proposed children's playground site, exceeding the annual limit. Recommends avoiding having the play area here.

Noise and vibration

NPPF

10.256 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

10.257 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

10.258 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

10.259 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, and odour, fume or dust pollution.

Assessment

10.260 The submitted Environmental Statement assesses the site as suitable for its intended use, including noise and vibration from adjacent roads and the DLR, provided that recommended glazing specifications are implemented into the building design. Details and implementation of acoustic glazing and ventilation could be secured by condition.

10.261 Noise and vibration effects during the construction and operation of the development are not considered to be significant with the implementation of

mitigation measures including control over construction and piling hours. Any planning permission should also be conditioned to require the approval and implementation of a Construction Management Plan.

10.262 Any potential noise from the A1-A3 uses could also be controlled by an “*hours of use*” condition and similarly with deliveries and servicing arrangements.

10.263 In relation to odour, a condition could ensure that the ancillary bar and restaurant within the hotel bar is fitted with an extract system to mitigate fume and odour nuisance.

10.264 Overall, it is considered that arrangements could be put in place to ensure that the development would be compliant with the NPPF and development plan policy.

Contaminated land

NPPF

10.265 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

10.266 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

10.267 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

10.268 The Ground Conditions Report within the submitted Environmental Statement identifies significant concentrations of lead, other heavy metals and cyanide together with a risk of UXO (unexploded ordnance) at the site. Environmental Protection advises that conditions should be applied to any planning permission to secure a site investigation and mitigation of any contamination or presence of UXO.

Archaeology

NPPF

10.269 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.

London Plan 2016

- 10.270 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

- 10.271 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

- 10.272 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

- 10.273 The site is not located within or adjacent to an Archaeological Priority Area. Following past archaeological investigations on the site (2004 and 2008) it was considered unlikely that the proposed development would result in any significant residual effects with regard to archaeology. Consequently, officers advised that no further archaeological works were required and it was agreed that archaeology could be scoped out of the ES.

Flood Risk

NPPF

- 10.274 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.
- 10.275 Paragraph 102 explains that when Exception Test is necessary, for development to be permitted both elements of the 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.
- 10.276 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

- 10.277 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

- 10.278 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

- 10.279 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.
- 10.280 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 Volume III: Appendix G 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.
- 10.281 The Environment Agency raises no objections in principle but recommends raising finished floor levels above the breach flood level – 4.5 m. AOD. Whilst the lowest residential floor level could be stipulated by condition in any planning permission, it is noted that all the residential development and hotel bed spaces are located at Floor 1 or higher and are above the breach flood level.

Sustainable urban drainage (SUDS)

NPPF

- 10.282 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

- 10.283 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

- 10.284 Policy SP04 5. within '*Creating a green and blue grid*' requires development to reduce the risk and impact of flooding by, 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

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

Assessment

10.286 The Council's Sustainable Urban Drainage officer advises that the applicant has not provided adequate detail demonstrating compliance with London Plan Policy 5.13 and MDD Policy DM13. The ES Volume 1 Chapter 12 and Volume III Appendix G indicate an intention to comply with the London Plan and limit the run off to Greenfield run off rates. A brief appraisal of SUDs measures is provided with and indications of the use of green roofs and sub-surface storage. However, the applicant is yet to formulate a surface water drainage strategy and it is recommended that any planning permission should be conditioned to require the submission, approval and implementation of a surface water drainage scheme based on sustainable drainage principles.

Biodiversity

NPPF

10.287 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

10.288 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

10.289 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

10.290 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

10.291 The development site was cleared in 2008. A Phase 1 Habitat Survey was undertaken on 9th May 2014 and found the site of low ecological value. It was accepted that the conclusions remain valid and Ecology was scoped out of the Environmental Assessment.

10.292 MDD Policy DM11 requires biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP). Proposed landscaping consists of the two roof gardens that would contribute to LBAP objectives.

10.293 Much proposed new landscaping is suggested within the wider council owned public realm. These areas were not covered by the Phase 1 survey and it is not possible to assess any negative impacts although these appear unlikely. Overall, the proposals would enhance biodiversity and contribute to LBAP objectives.

10.294 If planning permission were granted, it would be recommended that it be conditioned to ensure the submission, approval and implementation of full details of ecological enhancement.

Airport Safeguarding

10.295 The application site lies beneath London City Airport flight paths in an area subject to aerodrome safeguarding. London City Airport has no objection in principle but requests a condition that construction works such as cranes or scaffolding above the height of the planned development should be subject to a construction methodology statement that shall be approved in writing by London City Airport.

10.296 National Air Traffic Services advise that the development is expected to degrade the performance of radar at Heathrow Airport. An operational assessment has concluded that the predicted impact would be unacceptable however mitigation is available that could treat the concern. Requests that any planning permission is subject to conditions that no development exceeding 50 m. above ground level shall be constructed until a Radar Mitigation Scheme and a Crane Operator Plan has been secured.

Radio and television reception

10.297 The ES Volume 1 Chapter 2 & Volume III Appendix B assesses electronic interference that could result from the development. The effects on TV reception have been assessed through a combination of desk-based calculations and a site survey in May 2016. Consideration was also given to the potential effect on mobile telephone signals.

10.2 Terrestrial TV signals in the vicinity of the site are provided by the Crystal Palace Transmitter, which transmits the digital '*Freeview*' service. There is also the '*Poplar*' local terrestrial transmitter located to the east (not mentioned in the ES) and the proposed development could have the potential to block its signals.

10.298 The maximum height of the development is approximately 141 m. AOD. The terrestrial TV shadow generated by the development from the Crystal Palace signal would extend approximately 2.7 km over a large proportion of low-rise residential dwellings, as shown below. However, the anticipated shadow falls within the existing terrestrial TV shadow of the following buildings and it is not considered that additional impacts would arise as a result of the development:

- Eaton House;
- 34-84 Stainsbury Road, and 8 Cotall Street;
- Argent Court;
- Warren House; and

- Dorrington Point.

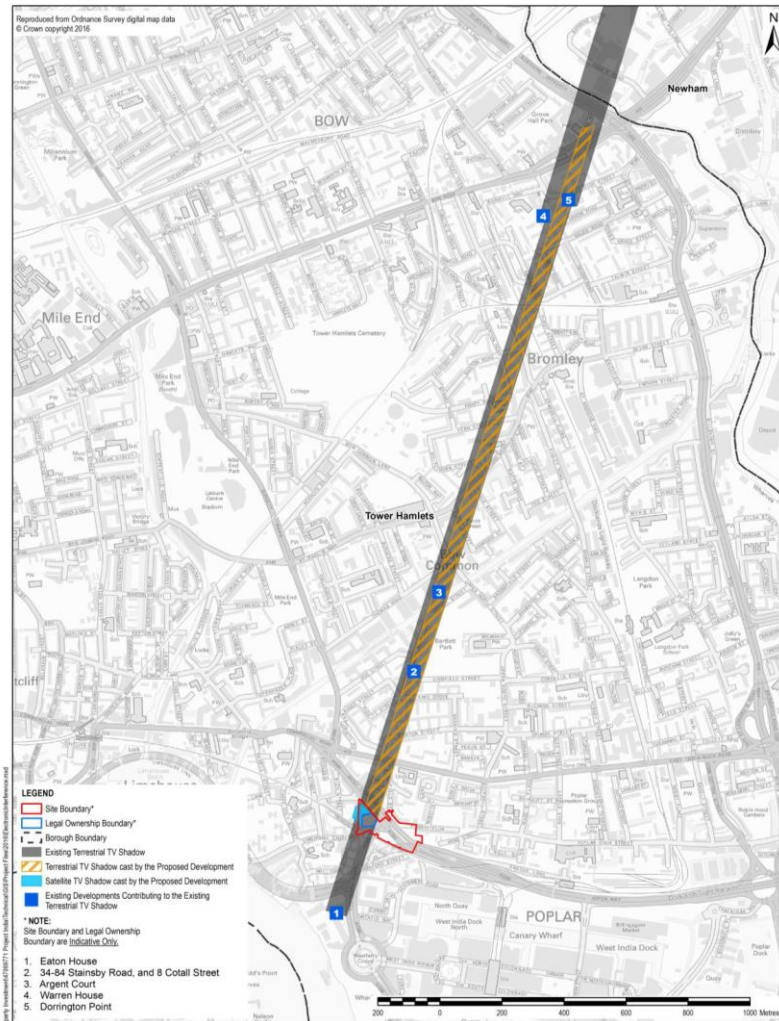


Figure 30 – Areas of terrestrial TV shadow – existing and resultant

10.299 The anticipated satellite TV shadow generated by the development would extend 40 m. to the northwest of the site outside any existing satellite TV shadows generated by existing buildings. The site survey identified 10 satellite aerials at risk of loss or degradation to satellite TV signal. Mitigation measures to reduce the adverse impacts on TV reception include upgrading the existing satellite TV dishes by increasing their height and/or gain, or connecting these affected properties to the available CATV service at a one-off cost.

10.300 Radio signals are more robust and no difficulties are envisaged. TfL has advised that a Radio Survey be secured by condition to ensure DLR services are not affected.

10.301 It is considered unlikely that the proposed development will have an impact on mobile telephone services.

10.302 In summary, no significant electronic interference (TV, radio and mobile phone coverage) is anticipated as a result of the development. However, it is considered any planning permission should be conditioned to require, before development is implemented, the submission of a study on the television signal

reception to premises the west and north west of the development site together with the implementation of appropriate measures to mitigate any adverse effects. A further condition should also be imposed to require the submission of a study assessing impact on DLR radio transmissions and the implementation of appropriate measures to mitigate any adverse effects.

Environmental Impact Assessment

10.303 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.

10.304 Regulation 3 prohibits the council from granting planning permission without consideration of the '*environmental information*' that comprises the ES, including any further information submitted following request(s) under Regulation 22 and any other information, any representations made by consultation bodies or by any other person about the environmental effects of the development.

10.305 The ES assesses the environmental impacts of the development under the following topics:

- Construction
- Waste and Recycling
- Socio-economics
- Traffic & Transport
- Air quality
- Noise and vibration
- Ground conditions
- Water resources, drainage and flood risk
- Wind microclimate
- Daylight, sunlight, overshadowing, light pollution and solar glare
- Effect interactions
- Residual effects

10.306 The council appointed Land Use Consultants Limited (LUC) 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 September 2016 identified clarifications and potential '*further information*' required under Regulation 22.

10.307 In November 2016, LUC issued a Final Review Report (FRR) that identified clarifications and potential '*further information*' required under Regulation 22. Following a response from the applicant LUC subsequently issued an updated FRR confirming that the ES is regulatory compliant.

10.308 Relevant issues are discussed in the body of this report and adverse environmental effects have been identified. If planning permission was to be granted mitigation measures could be secured by planning conditions and/or planning obligations as appropriate except where considered unsurmountable.

Impact upon local infrastructure / facilities

10.309 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.

10.310 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.

10.311 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.

10.312 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.

10.313 If permitted and implemented, the development 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 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.

10.314 Should planning permission be granted, the Council's CIL contribution is estimated at £6,441,769. The development would also be liable to the Mayor of London's CIL estimated at £1,172,231. The hotel development and the other new commercial floorspace would also attract the Mayor's Crossrail levy.

Planning obligations offered by the developer

10.315 The developer has offered the following obligations were planning permission granted:

1. Financial Obligations:

- a) Contribution of £190,292 towards enterprise and employment
- b) Contribution of up to £2,119,891 towards public realm enhancements
- c) Contribution of up to £446,479 towards off-site highway works
- d) Contribution of up to £243,888 towards DLR access improvements
- e) Contribution of £40,000 towards Limehouse Project training initiatives
- f) Contribution of £8,000 towards section 106 monitoring
- g) Contribution towards the carbon offset fund (estimated at £275,400)

Total: £3,323,950

2 Non-Financial Obligations

- a) 34% affordable housing, as a minimum, by habitable room with 74% rent and 26% intermediate
- b) Viability review mechanism
- c) Employment and training strategy
- d) Access to employment (20% local procurement; 20% local labour in construction; 20% end phase local jobs)
- e) On-street parking permits removed for future occupants

10.316 The applicant has submitted a legal opinion that all the financial contributions offered are lawful. Officers advise:

- Public Realm & DLR Access – To be lawful, a section 106 contribution must not conflict with the Council's CIL Regulation 123 List and must also meet the three tests set out in CIL Regulation 122 (directly related to the development, necessary to mitigate the impact of the development and of a scale necessary to mitigate the impact of the development). The proposed contributions are considered to meet these requirements.
- Off-site Highway Works – These monies would be paid under section 278 of the Highways Act and would not conflict with the Council's CIL regime.

Other Local finance considerations

10.317 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.

10.318 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).

10.319 NHP 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 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.

10.320 The DCLG’s New Homes Bonus Calculator estimates that the development would generate in excess of £311,957 in the first year and exceeding £1,871,0742 over six years.

10.321 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

10.322 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.

10.323 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

10.324 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:

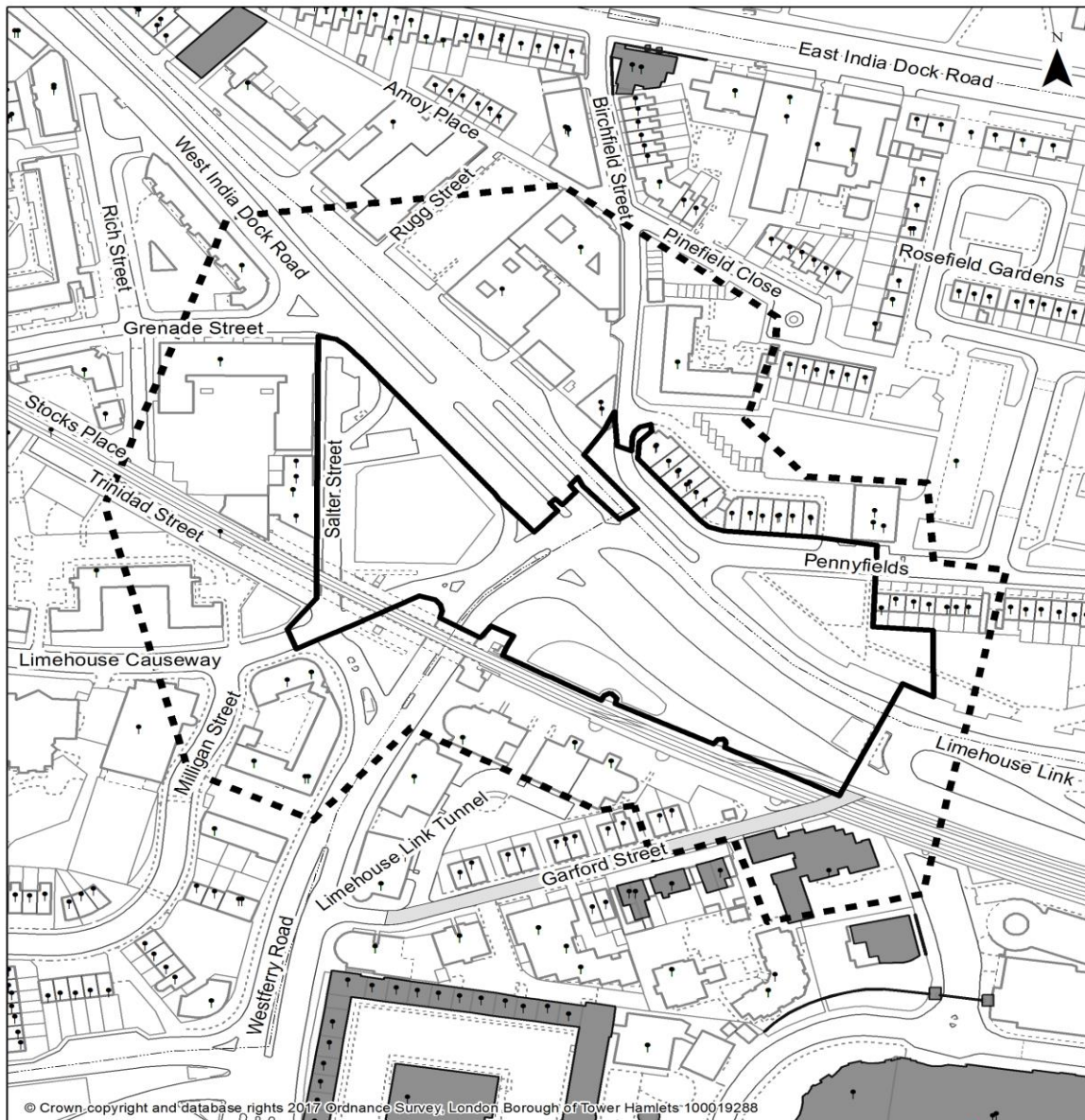
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share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

10.325 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 and includes wheelchair adaptable homes.

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.



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- ↑ Land Parcel Address
- Consultation Area
- Planning Application Site Boundary
- Statutory Listed Buildings
- Locally Listed Buildings

Scale @ 1:1,750
 25 12.5 0 25 50 75 Meters

Planning Application Site Map PA/16/01920

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



GIS for
 Place Directorate
 LONDON BOROUGH OF TOWER HAMLETS
 Date: 05/06/2017

