

<b>Committee:</b> Strategic	<b>Date:</b> 17 <sup>th</sup> August 2017	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Place	<b>Title:</b> Application for full Planning Permission
<b>Case Officer:</b> Kate Harrison	<b>Ref No:</b> PA/16/02808 <b>GLA Ref.</b> D&P/3620a/01
	<b>Ward:</b> Canary Wharf

## 1. APPLICATION DETAILS

**Location:** 225 Marsh Wall, E14 9FW

**Existing Uses:** 4-storey 5,288 sq. m. office block. Approximately 60% occupied on short term lets. 40% vacant.

**Proposal:** Full planning application for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storey (maximum AOD height 163.08m) comprising 332 residential units (Use Class C3); 810 square metres of flexible community/ office floorspace (use class D1/ B1); 79 square metres of flexible retail/restaurant/community (Use Class A1/A3/D1), basement cycle parking; resident amenities; public realm improvements; and other associated works.

The application is accompanied by an Environmental Impact Assessment.

**Drawing and documents:**

Drawings:

### **Location Plans and Existing Site Plans**

P200, Rev 2 Location Plan  
P201, Rev 2 Existing Site Plan  
P202, Rev 2 Proposed Site Plan  
P203, Rev P2 Site Survey  
P590, Rev P2 Demolition Plan  
P990, Rev P2 Existing Building Plan  
1200, Rev P2 Existing Elevations  
1201, Rev P2 Existing Elevations

### **Proposed Plans**

P1998, Rev P2 General Arrangement Plan Basement Level 2  
P1999, Rev P2 General Arrangement Plan Basement Level 1  
P2000, Rev P2 General Arrangement Ground Floor Plan  
P2000A, Rev P2 General Arrangement Ground Floor  
Landscape Plan

P2001, Rev P2 General Arrangement Level 01 Plan  
P2002, Rev P2 General Arrangement Level02 Plan  
P2003, Rev P3 General Arrangement Level03-08 Plan  
P2009, Rev P3 General Arrangement Level09 Plan  
P2010, Rev P1 General Arrangement Level10-12 Plan  
P2013, Rev P1 General Arrangement Level13 Plan  
P2014, Rev P1 General Arrangement Level14-22 Plan  
P2023, Rev P3 General Arrangement Level23-45 Plan  
P2046, Rev P3 General Arrangement Level46 Plan  
P2047, Rev P2 General Arrangement Plant Level47 Plan  
P2048, Rev P2 General Arrangement Plant Mezzanine Plan  
P2049, Rev P2 General Arrangement Roof Plan

### **Elevations**

P2100, Rev P2 Elevation North  
P2101, Rev P2 Elevation East  
P2102, Rev P2 Elevation South  
P2103, Rev P2 Elevation West  
P2220, Rev P2 Site Elevation North East  
P2221, Rev P2 Site Elevation South West

### **Sections**

P2200, Rev P2 Section AA  
P2001, Rev P2 Secton BB

### **Unit Types**

P2300, Rev P2 Unit Types ST101,101  
P230, Rev P2 1 Unit Types 102A,102B,103Wch  
P2302, Rev P2 Unit Types 201,202  
P2303, Rev P2 Unit Types 203Wch, 301  
P2304, Rev P2 Unit Types 401

### **Detailed Bay Studies**

P4000, Rev P2 Cladding Details  
P4001, Rev P2 Cladding Details  
P4002, Rev P2 Cladding Details  
P4003, Rev P2 Cladding Details  
P4004, Rev P2 Cladding Details

### **Documents**

- Design & Access Statement (V2 January 2017)
- Townscape & Visual Impact Assessment (Within letter with additional ES, dated 17<sup>th</sup> July 2017)
- Landscaping Strategy (V2 January 2017- Included in DAS Addendum).
- Planning Statement (Addendum Letter January 2017)
- Energy Statement (Hoare Lea PV Feasibility Statement Jan 2017)
- Sustainability Statement (Hoare Lea Overheating

- assessment Jan 2017)
- TV and Radio Interference Assessment
- Statement of Community Involvement
- Waste Management Strategy
- Transport Assessment (V2: January 2017)
- Aviation Report
- Sustainable Drainage Strategy (V2: January 2017- ES Addendum)
- Ecological Statement (V2: January 2017- ES Addendum)
- Arboricultural Survey
- Ventilation Strategy

**Applicant:** Cubbitt Property Holdings Limited

**Ownership:** Cubbitt Property Holdings Limited  
Meridian (Two) Property Holdings Limited  
LBTH (Highway land to south of site)

**Historic Building:** None

**Conservation Area:** Coldharbour Conservation Area lies to the east

## 2. EXECUTIVE SUMMARY

- 2.1. This report considers an application for planning permission for a residential led development of an existing 4-storey office block to deliver 332 residential homes. The scheme also proposes commercial space at ground and first floor levels comprising: 810 sqm of flexible office/ community floor space (use class B1/D1) and a 79sqm flexible commercial unit that would be retail/ restaurant or café/ community use (use class A1/A3/D1).
- 2.2. The proposal would deliver 25% affordable housing at a tenure split of 66%/35% split in favour of affordable rent. Of the affordable rented units, 50% would be delivered at London Affordable Rent (LAR) levels and 50% would be delivered at Tower Hamlets Living Rent (THLR). The LAR and THLR would be spread equally across the 1, 2, 3 and 4 bedroom units within the affordable housing tenure which includes 50% family sized units.
- 2.3. The development would be of a high architectural quality with height stepping down from the Canary Wharf Major Centre and provides public open space to the west that would link in with the approved open space at Meridian Gate (aka the Madison) to the west.
- 2.4. The proposed residential units would benefit from internal and external community space and child play space and all units would have private amenity space in the form of balconies.
- 2.5. The proposed residential units would meet the relevant size standards and would be well lit.

- 2.6. The proposal includes re-provision of a significant amount of commercial floor space that would create jobs. The flexible B1/D1 as well as flexible A1/A3/D1 uses proposed allow for greater flexibility in end users and to avoid vacant space.
- 2.7. Appropriate separation distances ensure that neighbouring privacy and outlook is protected while the impact on daylight/ sunlight is generally negligible to minor adverse. There is some moderate and major adverse impact which can be attributed mostly to the design of the neighbouring properties impacted as well as impacts from other surrounding developments, typical within an urban environment.
- 2.8. Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material planning considerations which would indicate that it should be refused.

### **3. RECOMMENDATION**

3.1. That subject to any direction by the London Mayor, planning permission is APPROVED subject to the prior completion of a legal agreement to secure the following planning obligations:

3.2 Financial contributions:

- a) £141,072 construction phase employment training
- b) £36, 740 end-user phase employment training
- c) £203,040 carbon off-setting
- d) £100,000 towards London Buses
- e) Monitoring fee equivalent to £500 per each substantial Head of Terms

Total financial contribution: £480,852 plus monitoring contribution

3.3 Non-financial contributions:

- (a) On-site affordable housing consisting of 31 intermediate units, and 40 affordable rented units (50% at social target rent and 50% at Tower Hamlets Living Rent) including wheelchair accessible units.
- (b) Financial viability review mechanism at pre-implementation stage and at an advanced stage upon sale of 75% of the units.
- (c) Access to employment
  - 20% local procurement
  - 20% local labour in construction
  - 25 apprenticeships delivered during the construction phase
- (d) Public access to public realm and access roads

- (e) Draft travel plan
  - (f) Car Free Agreement
  - (g) LBTH Code of Construction Practice and Considerate Constructors
  - (h) Any other planning obligation(s) considered necessary by the Corporate Director for Place
- 3.2. That the Corporate Director for Place is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
- 3.3. That the Corporate Director for Place is delegated power to impose conditions and informatives on the planning permission to secure the following matters:
- 3.6 Conditions:
- Compliance
- 1) 3 year time limit for implementation
  - 2) Compliance with plans
  - 3) Withdrawal of permitted development rights for erection of gates and fences
  - 4) Compliance with energy and sustainability strategies
  - 5) Noise insulation standards for residential units and noise limits for plant
  - 6) Provision and retention of wheelchair accessible parking spaces, electric vehicle charging points
  - 7) Inclusive access standards for residential units, provision of lifts
  - 8) Provision and retention of cycle parking spaces
  - 9) Compliance with mitigation measures set out in TV and radio reception interference report
- Pre commencement
- 10) Demolition and construction environmental management plan including working hours restriction and other measures to protect amenity and minimise noise & air pollution (in consultation with City Airport).
  - 11) Logistics plan and travel plan for construction phase, feasibility of waterborne transport in construction (in consultation with TfL, CRT and PLA)
  - 12) Site waste management plan
  - 13) Water infrastructure supply study (in consultation with Thames Water)
  - 14) Piling method statement (in consultation with Thames Water)
  - 15) Land contamination remediation (in consultation with Environment Agency)
  - 16) Details of surface water drainage and SUDs (in consultation with CRT)
  - 17) Archaeological written scheme of investigation and programme of works (in consultation with GLAAS)
  - 18) Details of sustainable urban drainage measures
  - 19) Details of biodiversity measures

### Pre-superstructure

- 20) Samples of all facing materials, elevation & fenestration details, rainwater goods
- 21) Details of landscaping including wind mitigation in compliance with the ES, soft & hard landscaping, street furniture & play equipment, gates & fences, lighting, wayfinding, visitor cycle parking, security measures and inclusive access provisions
- 22) Details of waste storage facilities
- 23) Details of Secured by Design measures

### Prior to Occupation

- 24) Details of wheelchair accessible units
- 25) Details of extract system for commercial unit including noise report
- 26) Details of air quality mitigation for the heating system
- 27) Delivery & Servicing Plan, Waste Management Plan (in consultation with TfL)
- 28) Details of highway works (S278 agreement)
- 29) Details of opening hours for commercial use

### 3.7 Informatives

- a) CIL
- b) Canal and River Trust
- c) Thames Water- water pressure
- d) Greater London Advisory Service

- 3.8 Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Place.

## 4. **SITE AND SURROUNDINGS**



Figure 1- Site Location Plan

- 4.1. Meridian (Two) Property Holdings Limited own the Marsh Wall Estate that comprises three properties:
  - 199-207 Marsh Wall – Meridian Gate (currently being redeveloped and also known as ‘The Madison’);
  - 225 Marsh Wall - the application site sometimes referred to as Angel House or the Innovation Centre and;
  - 213-226 Marsh Wall – Meridian North that lies immediately north of 225 Marsh Wall and comprises Moorfoot House, Drewry House, Snowdon House, Cumbrian House and Cotswold House.
- 4.2. The application site (225 Marsh Wall) site measures 0.21 hectares. The application includes public realm improvements that result in a red line area of 0.297 hectares shown on the plan above in figure 1.
- 4.3. The site is located in the northern part of Isle of Dogs and occupied by a 4-storey building constructed in 1993 accommodating 5,288 sq. m. of offices. The site lies within the South Quay area and is bounded by the private roads Meridian Place to the north, Lord Amory Way to the west and Lawn House Close and No. 227 Marsh Wall (Sovereign House a 7 storey office block) to the east. Marsh Wall lies to the south.
- 4.4. To the west, beyond Lord Amory Way, the recently permitted ‘Meridian Gate’ development (Ref. PA/14/01428) has begun to construct a 54 storey building of 423 residential units and 500 sq. m. of ground floor offices and retail units. The eastern part will comprise an area of public open space adjacent to the current application site. West of Meridian Gate ‘Thames Quay’ comprises an office development and the University of Sunderland in London campus.
- 4.5. North of the Meridian Gate development and north-west of the application site is Meridian Place, a 7 storey residential block. Immediately north of the application site fronting South Quay is Meridian North which comprises office buildings between 3, 4 and 5 storeys.
- 4.6. North of No. 227 Marsh Wall is a part 6, part 7 storey multi storey car park and Antilles Bay, a part 5, part 6 storey residential building fronting South Quay.
- 4.7. East of Antilles Bay, development is near completion at Dollar Bay to construct a 31 storey building of 121 residential units and 105 sq. m. of shops and restaurants. South of this is Jack Dash House, a 5 storey local authority office block.
- 4.8. Syklines Village, comprising 1980’s low-rise business units lies opposite the application site on the corner of Marsh Wall and Limehourbour. There is a live application on this site as detailed within the ‘Material Planning History’ section of the report.
- 4.9. The application site does not contain any Listed Buildings. The closest Conservation Area is ‘Coldharbour’ to the east and north east of Jack Dash House. The closest listed building is ‘The Gun’ public house on Coldharbour.
- 4.10. The site sits within a number of strategic views and river prospects, identified in the Mayor’s London View Management Framework, including View 5A.1: Greenwich Park; View 6A.1 Blackheath; View 11B.1: London Bridge; View

11B.2: London Bridge; View 12B.1: Southwark Bridge, and View 15B.1: Waterloo Bridge. South Quay is outside of the boundary of the Maritime Greenwich UNESCO World Heritage Site and its buffer zone but lies within the wider setting.

- 4.11. South Quay DLR station is approximately 250 m. to the west on Marsh Wall. Bus stops are located along Marsh Wall and Limeharbour with bus routes D3, D6, D7 and D8 running towards Bethnal Green, Stratford, Pembury Road, Mile End Station, Crossharbour ASDA and Poplar. The site has a TfL Public Transport Accessibility Level PTAL4 'Good'.
- 4.12. The nearest section of the TfL road network is the A1203 Aspen Way 900 m. to the north. Marsh Wall and other streets in the locality are borough roads. The site lies within a Controlled Parking Zone and both Marsh Wall and Limeharbour have double yellow line (at any time) parking restrictions.
- 4.13. The Isle of Dogs is served by cycle routes linking to the wider network. The nearest docking station of the Mayor's Cycle Hire scheme is located to the east of the site on Preston's Road providing 26 docking points.
- 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 local river wall defences and the Thames Barrier to 1 in a 1,000 year probability (Low Risk).
- 4.15. The site, as with the whole borough, is within an Air Quality Management Area.
- 4.16. The site is within the London City Airport Safeguarding Zone, the Crossrail Safeguarding Area and Crossrail SPG Charging Zone.
- 4.17. The site lies within the GLA's Isle of Dogs & South Poplar Opportunity Area, the South Quay Masterplan Area and the Isle of Dogs Neighbourhood Planning Area.

## **5. PROPOSAL**

- 5.1. Application seeks full planning permission for the redevelopment of 225 Marsh Wall to provide a 48-storey building comprising:
  - 332 residential units (Use Class C3);
  - 810 square metres of flexible community/ office floorspace (use class D1/B1) and;
  - 79 square metres of flexible retail/restaurant/community (Use Class A1/A3/D1).
- 5.2. The proposed ground floor layout comprises a podium at ground and first floors with a residential tower above rising to 163 m. AOD (ground + 48 storeys).



**Figure 2- CGI of proposed southern elevation**



**Figure 4- CGI of proposed western elevation showing Dollar Bay to the north east and Meridian Gate to the west**



**Figure 3- CGI of proposed western elevation, podium and indicative landscaping**

- 5.3. The 810sqm of flexible community/ office (use class D1/ B1) space is located on the first floor. The space is designed to be flexible and has the capacity to be occupied by a range of D1/ B1 operators. It is proposed that part of the first floor space would be occupied as a nursery with the remainder of the facility to be used as a community facility/ office space with market demand dictating the exact occupation of the unit.
- 5.4. The 79 sqm of flexible retail/ restaurant / community space (use class A1/A3/AD1) is located at the ground floor as shown in figure 5 below. Again the space is designed to be flexible so the unit is more likely to attract occupiers.
- 5.5. The development includes an area of public open space to the west of the building. It is proposed to link the public garden within the Meridian Gate development to the public realm at 225 Marsh Wall.
- 5.6. The development includes provision of communal amenity space at level 2 (140 sqm for the affordable units in the form of a residents lounge and external terrace) and level 46 (592 sqm for the private units in the form of a residents gym, games area, lounge and external terrace) providing a total of 732 sqm of communal amenity space. Private external amenity space is provided for every unit in the form of a balcony.



Figure 5- Ground floor plan

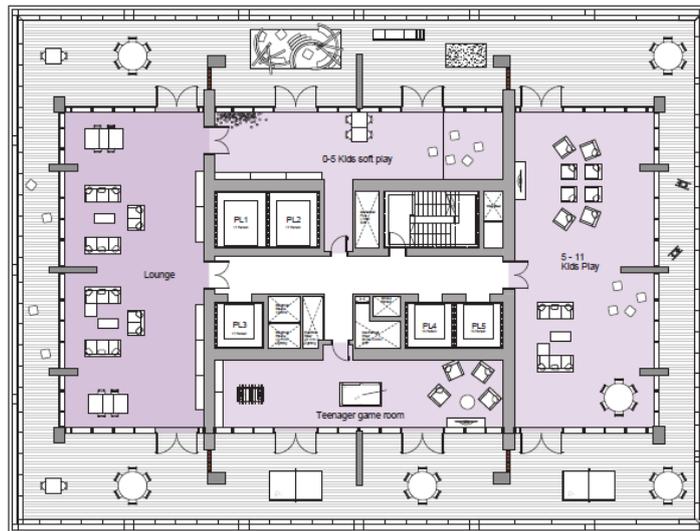


Figure 6- Amenity floor at level 2

- 5.7. The development also includes the provision of 733 sqm of dedicated child playspace. The majority of child playspace would be provided at second floor level in the form of internal/ external child play space facilities for both private and affordable units with the remaining space being provided at ground floor level.
- 5.8. The proposal includes a basement containing ancillary space for refuse and plant and cycle parking. 184 cycle spaces are provided at basement level for the affordable units, 12 of which will be for the commercial units located on ground and first floor levels. These are accessed via the northern end of the proposed eastern access road. 528 spaces are provided for the private units in the form of lockable storage cupboards accessible from the communal lift lobby. 14 spaces are provided at ground floor level for visitors. In total 724 cycle spaces would be provided on site.
- 5.9. The residential tenure mix would be 261 private market units and 71 affordable units comprising 31 intermediate and 40 affordable rent units (a

66%/ 34% split in favour of affordable rent). Of the affordable rented homes 20 would be at London affordable rent levels and the remaining 20 would be at Tower Hamlets living rent levels. The overall affordable housing offer is 71 affordable units comprising 218 habitable rooms (25%).

5.10. Separate entrances are proposed for the private residential units, the intermediate and social/affordable rent units, with the exception of the 13<sup>th</sup> floor intermediate units which would share the private core. Separate entrances are also proposed on the south and western elevations of the building that provide access to the commercial and community floor space at ground, mezzanine and first floor level.

5.11. The scheme has evolved since the original submission with revised plans amending the proposal as follows:

- Repositioning of the building and podium by 3.2m to the west in order to increase the separation distance at the eastern boundary;
- Revisions to the layout and function of level 2 by removing four residential units and increasing internal and external amenity and play space;
- Reduction in total number of residential units from 336 to 332 and revised housing mix which resulted in the removal of studio units and larger intermediate units;
- Amendments to the landscape design (to achieve the following: repositioning the disabled parking spaces from the north west of the site to the east; increasing the amount of public open space at ground; improving the pedestrian links through the open space and integrating the design with the adjacent Meridian Gate development and; repositioning and increasing the number and height of new trees and mature planting);
- Amendments to the podium and tower design to create a clear set-back at level 2 and a sense of separation between the tower and the podium;
- Changes to the elevational treatment and materiality of the building and;
- Minor changes to cycle parking spaces: reduction in the basement cycle parking spaces from 186 to 184.

5.12. As well as the abovementioned changes during the course of the application, the scheme has developed from a previous application (Planning reference: PA/15/02303 as detailed within the 'Material Planning History' section below). Figures 7 and 8 below show a CGI of the previously proposed scheme and the ground floor plan. The table below summarises some of the key changes and improvements from the previous scheme to the current scheme:

	Previous scheme (PA/15/02303)	Current scheme (PA/16/02808)
Units	442	332
Height and Mass	55 storeys (186.35m AOD)  51.5m wide 29.4m deep	46 storeys (163.08m AOD)  36.8m wide 18.9m deep
Affordable Housing	23.7%	25%
Tenure Mix	Shared ownership for intermediate units and Tower Hamlets POD level rents for	Shared ownership for intermediate units and 50/50% split between

		affordable rent units.	London affordable rents and Tower Hamlets living rents.
Residential Mix		Inclusion of studios, less family sized units.	Removal of studios, 50% family sized accommodation in affordable rented tenure, no family sized accommodation in intermediate.
Residential Quality	<p>Lighting levels for proposed properties needed improvements.</p> <p>Insufficient child play space; none for 11+ or children within private tenure. The play space was also shared with the communal space.</p>	<p>Very good levels of lighting for proposed units.</p> <p>Site can accommodate all 0-11 play space and some 12+ space. Includes internal and external play space for all ages separate from the communal space.</p>	



Figure 7- northern elevation of previous scheme, planning reference PA/15/02303

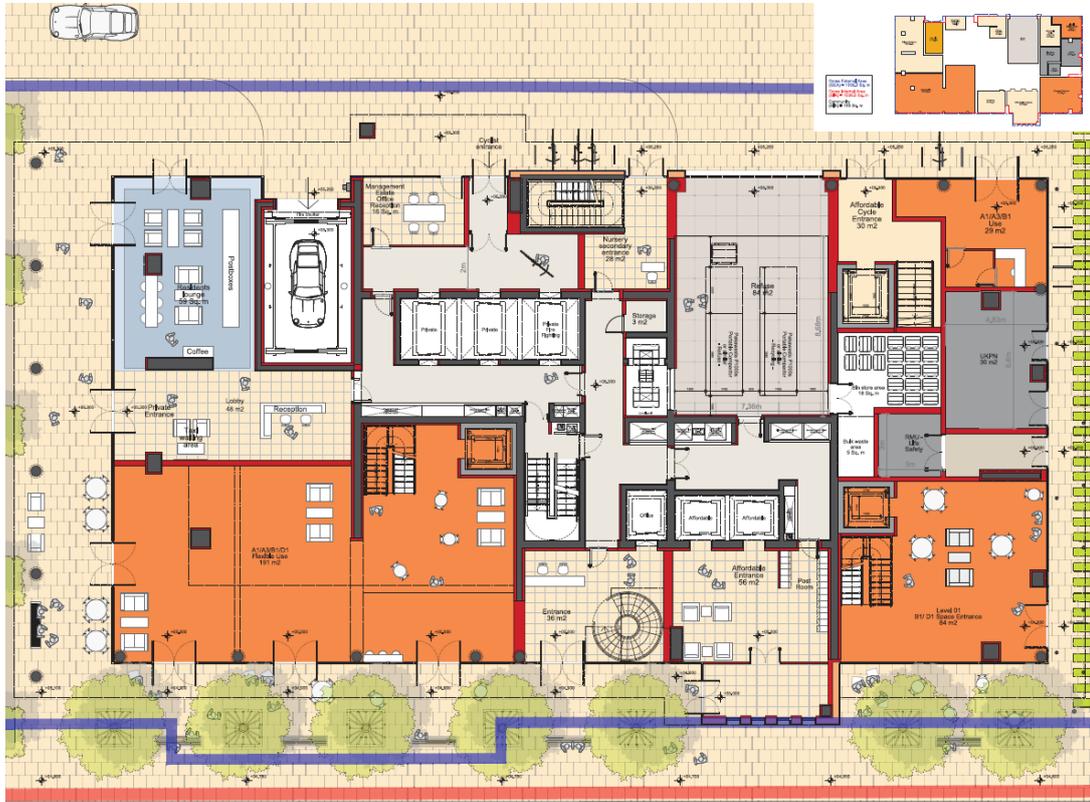


Figure 8- ground floor of previous scheme, planning reference PA/15/02303

## 6. **MATERIAL PLANNING HISTORY**

### ***Application Site***

- 6.1. PA/15/02303- Demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 55 storeys (186.35 AOD height) comprising 414 residential (Use Class C3), 1,418 sq.m. of flexible office/community/retail (Use Class B1/D1/A1/A3), resident amenities, basement car parking, public realm improvements and associated works.
- 6.2. The committee report was published with a recommendation for refusal for the reasons outlined below. However, the applicant withdrew the scheme after the report was published. As such a decision notice was not issued.

Reasons stated in published committee report:

#### 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 Policy 3.4 'Optimising housing potential' (including Table 3.2 - 'Sustainable residential quality density matrix'), Policy 7.6

'Architecture', Tower Hamlets Core Strategy Policy SP02 'Urban living for everyone' and the Mayor's 'Housing' SPG 2016. This is explained more fully in the reasons below.

#### Impact on surrounding sites

2. 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, breaching guidance in the Building Research Establishment handbook 'Site Layout Planning for Daylight and Sunlight' 2011. The extent and severity of the impacts are such that the development would not be consistent with the Mayor's London Plan Policy 7.6 'Architecture', Tower Hamlets Core Strategy Policy SP10 'Creating Distinct and durable places', the Managing Development Document Policy DM25 'Amenity' and Site Allocation 20 Marsh Wall East. There would also be conflict with the Placemaking Principles of the South Quay Masterplan 2015 that require development to maximise levels of natural light. These indicate that the density, height, massing and layout of the scheme are not appropriate. Of particular concern is the cumulative impact on Meridian Place, Antilles Bay and 1-13 Chipka Street. There are also a number of plots surrounding 225 Marsh Wall which are anticipated to come forward for development. The proposed development due to height, mass and bulk would unacceptably affect the development potential of these sites particularly Meridian North and the eastern plot of Skylines Village.

#### Housing mix and choice

3. The proposed dwelling mix within both the market and affordable housing sectors would fail to provide a satisfactory range of housing. The dwelling mix within the affordable rented units would result in an over-provision of 1 bed units and an under-provision of family sized homes (3 bed+). In the intermediate sector, there would be an overemphasis on studios, 1 bed units and under provision of 2 bedroom units. In the market housing there would be an under provision of family accommodation. The development would be inconsistent with London Plan Policy 3.8 'Housing Choice,' Tower Hamlets Core Strategy Policy SP02 'Urban living for everyone' and Managing Development Document Policy DM3 'Delivering Homes'.

#### Housing quality

4. There would be deficiencies in housing quality standards with no private amenity space for the studios, failures of the Building Research Establishment's daylight and sunlight guidance within the development particularly within bedrooms set behind winter gardens, the potential for disturbance between adjoining residential units and inadequate on-site provision of children's play space. This would conflict with London Plan 2015 Policy 3.5 'Quality and design of housing developments' and Policy 3.6 'Children and young people's play and informal recreation facilities', the Mayor's 'Housing' SPG 2016, together with Tower Hamlets Core Strategy Policy SP02 'Urban living for everyone' and the Managing Development Document Policy

DM4 'Housing Standards and Amenity Space' and Policy DM25 'Amenity.'

#### Urban Design

5. The proposed design, layout, height, scale and bulk and details would fail to achieve an appropriate transition from the Canary Wharf tall building cluster. There would be an unacceptable impact on the skyline and a failure to achieve a human scale at street level due to an oppressive architectural typology that would loom uncomfortably over the public realm, including views from South Dock. The scheme would conflict with the design principles within Chapter 7 of the London Plan particularly Policy 7.4 'Local Character', Policy 7.6 'Architecture' and Policy 7.7 'Tall and large scale buildings.' There would also be conflict with Tower Hamlets Core Strategy Policy SP10 'Creating distinct and durable places' and Managing Development Document Policy DM24 'Place sensitive design,' Policy DM26 'Building heights' and Site Allocation 20 together with the design principles of the Mayor's Housing SPG 2016 the South Quay Masterplan 2015. Collectively statutory policy and guidance require development within South Quay to provide buildings and places of a high quality design, suitably located and sensitive to the locality. Whilst the development of this site has the potential to generate substantial public benefits, the public benefits of the development, namely new housing, would not outweigh the harm that would ensue.
- 6.3. PA/09/01637 Erection of a building of between 11 and 43 storeys comprising 265 residential units, a 56-bedroom hotel, offices, retail and leisure uses. Refused 16th December 2010.

#### Reasons for refusal:

1. The scheme by virtue of height, scale and mass would have detrimental impacts upon townscape within the surrounding area as a result of the development proposed on the adjacent Skylines village site (ref. PA/10/00182). The schemes, by virtue of their cumulative height, scale, mass and proximity, would result in a townscape which would appear incongruous in both local and long-distance views. The proposals would result in the 'canyonisation' of the public realm on Marsh Wall by virtue of the scale of the buildings that would encapsulate it.
2. The south-facing residential units within the lower twenty-two storeys would receive substandard level of daylight and sunlight, as a result of the development proposed under planning application PA/10/00182 at the adjacent Skylines Village.
3. The north facing, single-aspect residential units are inappropriate and would result in poor quality amenity, leading to an over reliance on artificial lighting and ventilation as well as creating a sense of enclosure, detrimental to the amenity of future occupiers. This would be exacerbated should adjacent sites come forward for redevelopment and could be detrimental the optimisation of their use.

4. The development, by virtue of height, scale, mass and design fails to take into consideration the development potential of adjacent sites within the designated development site of which is forms a part. (Site ID46 within the then Interim Planning Guidance Isle of Dogs Area Action Plan.

- 6.4. PA/12/02414 In outline, redevelopment by a 47 storey building with an 11 storey podium comprising 249 residential units, 554 sq. m retail, 1,863 sq. m offices and a 155 bedroom hotel. Treated as disposed of due to insufficient information.

### ***Nearby sites***

- 6.5. Skylines Village. PA/17/01597. Live application currently being assessed for:  
  
Demolition of all existing structures and construction of a new mixed use development consisting of five buildings ranging from ground plus 3 to ground plus 48 storeys in height (Maximum 167.05m AOD Height) comprising 600 residential units (Class C3); a two-form entry primary school with nursery facilities (Class D1); a 10,474 m2 GIA small and medium enterprise (SME) Business Centre (Class B1); 1,417 m2 GIA of flexible commercial floorspace (A1/A2/A3/B1/D1 and D2); single level basement car parking and servicing and; landscaped open space including: a new public piazza, landscaping to allow for a future pedestrian connection to Chipka Street and ground and podium level communal amenity space.
- 6.6. Skylines Village. PA/11/03617. 16th April 2013 planning permission refused for a 50 storey residential led redevelopment due to overdevelopment and loss of business floorspace.
- 6.7. South Quay Plaza 4. PA/15/03073. Planning permission granted 31<sup>st</sup> March 2017 for a 56 storey building comprising of 396 Residential (Class C3) Units, Community Use (Class D1) and associated works.
- 6.8. 1-3 South Quay Plaza. PA/14/00944. Planning permission granted 31<sup>st</sup> March 2015 for development including two mixed use buildings of 73 storey, 36 storey and 6 storeys (Part 181 m. AOD part 220 m. AOD) to provide 947 residential units, offices and Class A Uses A1-A4
- 6.9. Meridian Gate PA/14/01428. Planning permission granted 6th March 2015 for redevelopment by a building of 54 storeys comprising of 423 residential apartments and 425 sq. m. offices and 105 sq. m. retail/café.  
  
Dollar Bay. PA/11/01945. 23rd March 2012, planning permission granted for redevelopment by a 31 storey building (114.505 m. AOD), to provide 121 residential units & 105 sq. m. of ground floor Class A1/A3 uses.

## **7. LEGAL AND PLANNING POLICY FRAMEWORK & ALLOCATIONS**

- 7.1. In determining the application the Council has the following main statutory duties to perform:
  - 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) Town & Country Planning Act 1990);

- 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).

### The Development Plan

- 7.2. The development plan for the area comprises the London Plan 2016 and the Tower Hamlets Local Plan that comprises the Adopted Policies Map, the Core Strategy 2010 and the Managing Development Document 2013.
- 7.3. The following principle national, regional and local development plan policies are relevant to the application:

National Planning Policy Framework (NPPF) (2012)

National Planning Policy Guidance (NPPG)

### The London Plan 2016

- 2.9 Inner London
- 2.13 Opportunity Areas
- 2.14 Areas for regeneration
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 4.1 Developing London's economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure

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

#### Tower Hamlets Core Strategy 2010 (CS)

- 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

#### 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

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

Supplementary Planning Documents

*Greater London Authority*

7.4. The Mayor has published Supplementary Planning Guidance / Documents (SPGs / SPDs), which expand upon policy within the London Plan and are material considerations including:

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

7.5. The Isle of Dogs & South Poplar Opportunity Area Planning Framework (OAPF) is being written by the GLA with help from Tower Hamlets and Transport for London. Work started in 2015, public consultation will be in 2016 with adoption anticipated in 2018.

### *Tower Hamlets*

- Draft Development Viability 2017
- Planning Obligations SPD 2016
- The South Quay Masterplan 2015

### *Historic England Guidance Notes*

- Advice Note 4- Tall Buildings 2016
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment 2015
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets 2015

### *Building Research Establishment*

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

## **8. CONSULTATION**

- 8.1. The following bodies have been consulted on the application. Re-consultation was undertaken in March and April 2016 following the receipt of amended plans. Representations received are summarised below. The views of officers within the Place Directorate are expressed within Section 10 of this report – Material Planning Considerations.

### **External Consultees**

#### Greater London Authority (including TfL)

- 8.2. The Mayor considered the application at Stage 1 on 7<sup>th</sup> November 2016. The Council was informed that whilst the principle of the proposal is strongly supported, the following matters of strategic concern conflicted with the London Plan unless resolved:
- Housing: the current proposal needs to be robustly interrogated to fully explore all opportunities to increase the proportion of affordable housing, which falls below the Council's local policy target. While the principle of a high density residential scheme is strongly supported and the 23% affordable provision broadly accords with the previous submission.
  - Urban design: the proposed tall building is supported and the revised ground floor approach to improve the proposed public realm is welcomed. The staggered floorplates have reduced single aspect units, but some further rationalisation of residential units should be explored and discussions are required with regards to residential quality, public realm and ground-floor layout, and wind mitigation to ensure the application fully accords with London Plan policies 3.5, 7.1, 7.2, 7.3, 7.5, 7.6 and 7.7.
  - Climate change mitigation: the energy strategy does not accord with London Plan policies 5.2, 5.6 and 5.9. Further information regarding energy efficiency, overheating, connection to the Barkantine heat

network and the site-wide heat network, and renewables is required, with a view to increasing the carbon dioxide emission savings. The final agreed energy strategy should be appropriately secured by the Council.

- Transport: in accordance with London Plan policies 6.1, 6.2, 6.4, 6.7, 6.9 and 6.10 a financial contributions towards improving bus capacity is required and land should be safeguarded for the Mayor's Cycle Hire scheme.

*Officer note: The council's Community Infrastructure (CIL) team have advised that the contribution to docking stations would be captured within CIL payments.*

### Transport for London

8.3. Updated comments were received on the revised scheme. Overall support for the scheme but the following comments still apply:

- The accessible parking provision should be increased towards the 10% London Plan requirement.
- If total parking quantum is adjusted then Electric Vehicle Charging Points provision may also need adjusting to satisfy the London Plan requirement.
- Evidence should be provided that the short stay cycle parking and the two long stay cycle parking spaces for the nursery element are secure, integrated, convenient and accessible.
- The two closest docking stations are Preston's Road and Castalia Square in Cubitt Town. An operational contribution of £35,000 is requested to accommodate the increase in demand on these two docking stations for a period of 6 months.
- £100,000 requested to mitigate site specific impact on the bus network.
- The final travel plan should be secured and implemented through the S106 agreement.
- A full construction logistics plan should be secured by condition.
- Request that CIL money is directed towards the provision of South Dock footbridge.

*Officer note: The council's Community Infrastructure (CIL) team have advised that the contribution to docking stations would be captured within CIL payments. TfL also requested that CIL monies should be put towards a pedestrian bridge at South Quay. The allocation of CIL funds is not a matter determined by planning committee.*

### Metropolitan Police Crime Prevention Officer

8.4. Updated comments were obtained on the revised scheme. All comments were addressed with exception to the following:

- Single door as opposed to double doors should be used for cycle storage areas.
- The door from the private core to the bulky waste area should be removed.
- The proposed materials on the upper floors would be climbable.

- A secure by design condition should be applied

#### Canal and River Trust

- 8.5. No objections raised. Whilst it is noted in the submitted scoping opinion that the impact of overshadowing on biodiversity of the south dock would be insignificant; In accordance with paragraph 118 of the NPPF opportunities to incorporate biodiversity in and around developments should be encouraged. We would encourage the Council to positively consider the case for this development to contribute towards enhancements to the dock's ecology, given that whilst the impact is considered by the applicant to be insignificant an adverse impact has not been ruled out. We consider that this accords with policy 7.19 of the London Plan and policy DM12 of the Tower Hamlets Local Plan.

*Officer comment: Conditions are included that would ensure that the development incorporates sufficient biodiversity measures to meet the relevant policy. Therefore, a contribution would not be required.*

#### Environment Agency

- 8.6. The development will result in a 'more vulnerable' use within Flood Zone 3. The site is protected by the Thames Tidal flood defences from a 1 in 1000 (0.1%) chance in any year flood event. The most recent study shows that the site is unlikely to flood during a breach event. The development is at a low risk of flooding.
- 8.7. The use is appropriate providing the site passes the Flood Risk Sequential Test, the Council being satisfied that there are no alternative sites available for the development at a lower risk of flooding. A site specific Flood Risk Assessment should be undertaken which demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere.

#### London Fire and Emergency Planning Authority

- 8.8. No objections – the proposals should comply with the requirements of part b5 of approved document b.

#### Thames Water

- 8.9. Waste discharge: no objections.
- 8.10. Water supply: The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend a pre-commencement condition that will secure a water infrastructure supply study. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
- 8.11. Also requests:
- A condition to prevent impact piling until a piling method statement has been approved.
  - Informative regarding water pressure.

#### London City Airport

- 8.12. No safeguarding objection but requests a condition that no construction works such as cranes or scaffolding above the height of the planned development shall be erected unless a construction methodology statement has been submitted and approved in writing by London City Airport.

#### National Air Traffic Services

- 8.13. No conflict with safeguarding criteria.

#### Natural England

- 8.14. Consideration should be given to biodiversity/ ecological/ landscape enhancements.

#### Historic England

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

#### Historic England Archaeology

- 8.16. Conditions requested to protect any potential archaeological remains.

#### Port of London Authority

- 8.17. No objection in principle but comments that little consideration has been given to the promotion of river based transport particularly use of the River Bus. Any permission should be conditioned to require:

- Provision of targets for river bus use,
- Measures to encourage river bus use,
- Timetable for River Bus stop.

- 8.18. Disappointed that the Transport Assessment does not consider the potential the river could play in the transport of construction materials and waste.

- 8.19. *Officer comment. Whilst the Mayor of London's River Action Plan 2013 refers to a potential new pier at Wood Wharf, the existing Canary Wharf Pier is approximately 1.5 km to the north-west of the application site on the River and it is not clear that the site could be readily served by the Thames Clipper Service. It may be possible to use the water for the transport of building materials and this has been included as a suggested condition.*

#### London Buses

- 8.20. No response received to date.

## **Internal Consultation**

### Conservation and Design Advisory Panel (CADAP)

8.21. The Councils Conservation and Design Advisory Panel considered the original scheme on 14th November 2016 advising:

#### *Scale and massing*

- The Panel was broadly happy with the scheme's scale and general arrangement; however some members felt that the proposed building was too high.
- The Panel were of the view that materiality and detailing needs to be given greater attention to justify (through design quality) a building of this height in this location. Detailed drawings and material samples should form part of the application and not just be left to conditions.
- Panel members were concerned over the proposed low level of affordable housing (23%).

#### *Architectural Articulation*

- The architecture of the podium base is incongruous with rest of the scheme (some members felt it was a bit too shiny/slick), and moreover it doesn't relate to the middle part of the building and the two don't meet very well.
- The Panel preferred the option with a podium colonnade over the cantilevered podium. The colonnade would bring the building to the ground in a more successful way.
- The Panel expressed concerns over the design of the top of the building which should be elevated with greater care. Its design would be particularly important in the long distance views, for example from Tower Bridge.

### LBTH Biodiversity

8.22. MDD Policy DM11 requires major developments to provide net gains for biodiversity in line with the Local Biodiversity Action Plan (LBAP). The proposals include small areas of soft landscaping, at ground level and on roof terraces but little information on the sort of planting. The Design & Access Statement suggests evergreen shrubs likely to be of limited biodiversity value. It is not clear whether there is an opportunity for bio-diverse green roofs on parts of the roof without access to residents. There is nothing in the proposals which would obviously contribute to objectives and targets in the LBAP, as required by Policy DM11, and it is far from clear that the proposals would lead to an overall benefit for biodiversity.

8.23. If permission is granted, recommends conditions requiring:

- Details of bio-diverse roofs
- Landscaping details
- Details of bat boxes and nest boxes for appropriate bird species.

#### LBTH Environmental Health- Contaminated Land

- 8.24. Recommends conditions to secure site investigation and mitigation of any contamination.

#### Environmental Health- Air Quality

- 8.25. Updated comments received. No objections. The new information addresses the previous queries raised.

#### Environmental Health- Noise and Vibration

- 8.26. No comments received to date.

#### Energy Efficiency and Sustainability

- 8.27. It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:

- Delivery of CO2 savings to at least 23% against the baseline and submission of as built calculations to demonstrate delivery
- Delivery of a connection to the Barkantine heating network unless demonstrated not feasible / viable.
- Carbon offsetting contribution secured through S106 contribution (£203,040)
- Delivery of sustainability principles as proposed in the submitted sustainability documents

#### Transportation and Highways

- 8.28. All initial comments have been addressed subject to inclusion of conditions.

#### Employment and Enterprise

- 8.29. Proposed employment/enterprise contributions at construction phase: The developer should use best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. Economic Development will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.

- 8.30. To ensure local businesses benefit from the development, 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. Economic Development will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.

- 8.31. The Council will seek to secure a financial contribution of £141,072.00 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

- 8.32. The council seeks a monetary contribution of £1399.55 towards the training and development of unemployed residents in Tower Hamlets to access either:
- i. jobs within the uses B1 of the development
  - ii. jobs or training within employment sectors relating to the final development
  - iii. No end-user apprenticeships required.

Communities, Localities and Culture

- 8.33. No comments received.

Education Development

- 8.34. No comments received.

Waste Management

- 8.35. Bin Store: The applicant needs to ensure there is 150mm distance between each container and that the width of the door is large enough with catches or stays. The bin store must also be step free.

- 8.36. Bins: The collections will remain once per week in which case the following bins are needed for this development

32 x 1100 litres needed for refuse

19 x 1280 litres needed for recycling

33 x 240 litres needed for garden waste or possibly 7 x bulk bins

LBTH no longer use 1100 litre bin for recycling so these need to be 1280 litres.

- 8.37. Commercial: The applicant has stated that “It is proposed that the tenants will provide suitable waste storage areas within each of their tenanted areas for the storage of waste and recyclables as part of their fit-out.” – I would like to see waste storage areas in each of these commercial units and also the potential presentation area that would be considered for agreements.

- 8.38. Waste Collection Service: As explained under ‘Bin’ that the collections will only be once a week, not twice a week as presumed. Swept analysis is not very clear as it appears that the vehicle has to driver over the footway. The applicant needs to provide more detailed and clearer swept analysis. The applicant will need to ensure that there will be a dropped kerb outside the bin store area. Bin Chute / Hoppers: These should meet BS 1703.

- 8.39. Underground Refuse and Recycling Systems (URS): There could be opportunity of having URS for this development. Transferring the waste from chute to URS could be an issue.

*Officer comment: it is acknowledged that the council's approach to waste collection has changed from when the scheme initially came in at pre-application stage and given that the applicant was previously advised that twice weekly collection would be acceptable, it would not be reasonable at this stage to require additional space that would have implications on viability and/ or the amount of ground floor active frontage.*

## Sustainable Urban Drainage

- 8.40. No objection in principle. A surface water drainage scheme for the site should be secured by condition.

## **9. LOCAL REPRESENTATION**

- 9.1. The Localism Act 2011 requires developers of “large scale major applications” to consult local communities before submitting planning applications.
- 9.2. The application is supported by a Statement of Community Involvement that explains that prior to the submission of the application, the applicant carried out a programme of consultation with local community groups and residents who were given a chance to ask questions and give feedback. The consultation has taken place in 2 stages; phase 1 which was on the basis of the larger scale previous application with was withdrawn (see reference PA/15/02303 under Section 6- ‘Material Planning History’ of report) and; phase 2 which has taken place since the previous scheme was withdrawn.

### *Phase 1*

- 9.3. For phase 1, an advertisement announcing a public exhibition was placed in East End Life and an information leaflet was distributed to approximately 4,000 homes and businesses in the local area. The Isle of Dogs Neighbourhood Planning Forum published details of the exhibition on their website, five ward councillors were notified and the following community groups invited.

- Alpha Grove Community Centre
- Docklands Outreach
- Island History Trust
- Island Neighbourhood Project
- East End Community Foundation
- St. John’s Bengali Welfare Organisation
- Isle of Dogs Neighbourhood Planning Forum
- Meridian Place Management
- St. John’s Tenants and Residents Association

- 9.4. A public exhibition was held at 223 Marsh Wall on 18th June 2015. 23 people attended and 16 people provided feedback. Seven people welcomed the proposal, eight did not and one was unsure. Key issues were:

- Concerns about the size of the development
- Concern about the affordable housing provision
- Concern about the design of the building
- Support for the provision of retail space
- Concern about the impact on traffic

### *Phase 2*

- 9.5. Prior to the phase 2 public exhibition, information leaflets on the event were sent to 3300 homes and businesses in the local community. Three ward members and all members serving on the strategic development committee were invited. The following community groups were also invited:

- Alpha Grove Community Centre.
- Calders Wharf Community Centre.
- Cubitt Town Bengali Cultural Association.
- Docklands Outreach.
- East End Community Foundation.
- Island Advice Centre.
- Island Friends.
- Island History Trust.
- Isle of Dogs Bangladeshi Association.
- Isle of Dogs Neighbourhood Planning Forum.
- Isle of Dogs Childrens' Centre.
- Island Bengali Welfare Organisation.
- Meridian Place Management.
- St. John's and Samuda Leaseholders' Association.
- St. John's Tenants' and Residents' Association.
- Samuda Estate Bengali Association.
- Samuda Estate Local Management Organisation.
- Discovery Dock Apartments East Residents' Group.

9.6. A public exhibition was held at 225 Marsh Wall on 7th September 2016. 22 people attended and 4 people provided feedback. Three people welcomed the development and one provided no response to this question. Key issues raised were:

- The height of the proposals and potential for loss of sunlight/daylight for surrounding properties.
- Interest in the retail aspect of the proposals.
- A benefit to the community- one feedback form supported the scheme and noted it would be a benefit to the community.

Representations following statutory publicity

9.7. The application has been publicised by the Council by site notices and advertisement in East End Life. 833 neighbouring properties within the area shown on the map appended to this report have been notified and invited to comment. Re-consultation has been undertaken on the revised plans.

9.8. Five letters of representations have been received in objection. The objections/concerns raised can be summarised as follows:

- 1) Daylight/ sunlight/ loss of light impacts;
- 2) Overlooking/ loss of privacy;
- 3) Fettering development opportunities for neighbouring site;
- 4) Excessive height/ density/ mass, building too large for the site;
- 5) Poor residential quality;
- 6) Lack of affordable housing;

- 7) Too much development in area;
- 8) Occupation of D1 space;
- 9) Not enough wheelchair parking spaces;
- 10) Inadequate waste arrangements;
- 11) Pressure on roads, schools and infrastructure;
- 12) More development will result in vacant properties which affects residents wanting to sell properties;
- 13) The statement of community involvement states there has been comprehensive public consultation with circa 20 attendees and;
- 14) Loss of television signal

9.9. Officer Comment: Points 1-11 and 14 will be considered under the 'Material Planning Considerations' section of the report. Point 12 is not a material planning consideration. With regard to point 13, as per the 'Local Consultation' section of the report above (Section 9), the applicant states in the Statement of Community Involvement that letters were sent to 3300 homes and businesses in the local area to invite them to attend.

## **10. MATERIAL PLANNING CONSIDERATIONS**

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

- Principle of development & land use
- Residential use and affordable housing
- Density and amount of development
- Housing quality and standards
- Urban design
- Open space
- Impact on surroundings
- Privacy
- Micro climate
- Highways and Transport
- Energy and Sustainability
- Air quality
- Noise and vibration
- Contaminated land
- Archaeology
- Flood Risk and sustainable urban drainage
- Radio and television reception
- Airport safeguarding
- Biodiversity
- Environmental Statement
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations

- Human Rights
- Equalities

## **Principle of Development and Land Use**

### NPPF (2012)

- 10.2. Nationally, the NPPF promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, 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.

### London Plan (2016)

- 10.3. The London Plan identifies 'Opportunity Areas' which are capable of significant regeneration, accommodating new jobs and homes and requires the potential of these areas to be maximised.
- 10.4. The site lies within the Isle of Dogs and South Poplar Opportunity Area (Map 2.4 page 79). Map 2.5 page 81 shows the site also lying within an Area of Regeneration. London Plan Policy 2.13 sets out the Mayor's policy on 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 states that the Isle of Dogs Opportunity Area is capable of accommodating at least 10,000 homes, and 110,000 jobs up to 2031. The Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.
- 10.5. Policy 3.7 encourages '*Large residential developments*' and complimentary uses in areas of high public transport accessibility.

### The Tower Hamlets Local Plan

#### *Adopted Policies Map*

- 10.6. The Adopted Policies Map, reproduced on page 151 of the MDD 2013 'Place of Cubitt Town,' shows 225 Marsh Wall annotated:
- Within a Site Allocation
  - Within a Flood Risk Area
  - Within an Activity Area

#### *Tower Hamlets Core Strategy (2010)*

- 10.7. The Key Diagram on page 27 also identifies 225 Marsh Wall lying within a Tower Hamlets Activity Area. Core Strategy paragraph 3.3 explains that the Activity Area is a specific area bordering the Canary Wharf Town Centre

where the scale, continuity and intensity of town centre activity and land use is different to the rest of the borough. It should provide a transitional area achieved through a vibrant mix of uses that are economically competitive based on the principles defined in the Town Centre Spatial Strategy 2009.

10.8. Other Core Strategy allocations applicable to 225 Marsh Wall are:

- Fig. 24 page 44 'Urban living for everyone' identifies Cubitt Town for Very High Growth (3,501+ residential units) to year 2025.
- Figure 28 'Spatial distribution of housing from town centre to out of centre' shows densities decreasing away from the town centre and dwelling sizes increasing.

10.9. Core Strategy Annex 7 and Annex 9 concern 'Delivering Placemaking.' Fig. 39 'Strategic visions for places' says Cubitt Town will be a residential waterside place set around a thriving mixed use town centre at Crossharbour. Figure 66 'Cubitt Town vision diagram' adds:

*"Cubitt Town will continue to be a residential area experiencing some housing growth in the north. This growth will be supported by a revitalised and expanded Crossharbour town centre, which will see better integration with Pepper Street, Millwall and the Canary Wharf Activity Area. To the south, Manchester Road town centre will be extended to enable its retail offer to grow and to ensure it is better integrated with Island Gardens DLR Station, and Mudchute and Millwall Park.*

*The residential communities along the River Thames and at the heart of Cubitt Town will be brought together through activity and interaction at the Crossharbour and Manchester Road town centres, Mudchute and Millwall Park and the River Thames."*

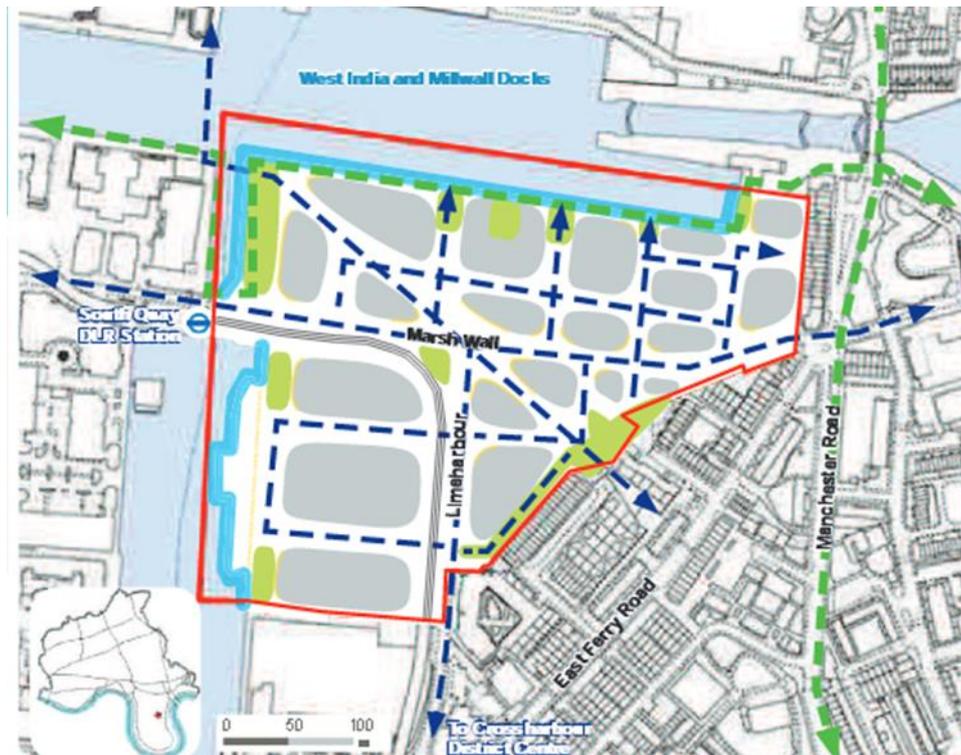
10.10. The Core Strategy Housing Investment and Delivery Programme page.146–147 identifies Cubitt Town for Very High Growth delivering 4,190 new homes between 2015 & 2025.

Tower Hamlets Managing Development Document 2013 (MDD)

10.11. MDD Chapter 3 provides Site Allocations. Figure 12 page 86 and Figure 47 page 154 identify Marsh Wall East as Site Allocation 20:

*"A comprehensive high density mixed use development opportunity to provide a strategic housing development and a district heating facility (where possible). The development should also include commercial floorspace for Small to Medium Enterprises, open space and other compatible uses in a new urban quarter.*

*Development should recognise the latest supplementary guidance for Marsh Wall East."*



**Figure 9. MDD Site Allocation 20**

- 10.12. Site Allocation 20 also sets out design principles for the site which are considered under the 'Urban Design' section of this report.
- 10.13. The latest SPG for Marsh Wall is the South Quay Masterplan October 2015 that adopts the land use principles of the MDD and supports housing development alongside the provision of open space, commercial space and other compatible uses.

Loss of office (b1) floor space

- 10.14. The proposal involves the loss of 5,288 sq. m. of B1 (Business) floorspace to be replaced by 810 sq. m. of flexible office (use B1) / community (use D1) to be located on ground and first floor levels. There would also be an additional 79 sq m of flexible A1/B1/D1 (retail/ office/ community floorspace) on the ground floor. For employment floorspace to be lost, MDD Policy DM15(1) normally seeks 12 months marketing evidence to demonstrate the site is not suitable for continued employment use due to its location, viability, accessibility, size and location. However, MDD paragraph 15.4 states:
- 10.15. *The Council seeks to support employment floor space in suitable locations; however a specific approach is required to help deliver site allocations and*

*their component strategic infrastructure uses. The Council recognises that the nature of uses proposed on site allocations requires a change from the existing uses. As such part (1) of the policy does not apply to site allocations.”*

- 10.16. By virtue of the above, the employment policy does not apply but the site allocation does require re-provision and intensification of the office floor space. The proposed scheme would result in a net loss of office floor space and would result in a reduction of employment density from 150 to 76. However, the site allocation applies to a much wider area than the application boundary; many of the larger sites that do not have the same size and viability constraints are better suited to accommodate viable employment floorspace. Furthermore, the reduction in B1 space allows for more of the site to be given over to public realm and floorspace for community use that would support the proposed housing on site. To conclude, due to the size and viability constraints on site and the need for high quality strategic housing in the area, the loss of office space and replacement with 810sqm of flexible office (B1)/ community (D1) use is acceptable.
- 10.17. The proposed community use is considered acceptable by virtue of the sites position within the activity area. The flexible B1/D1 use allows for a range of end users which would make it much easier to ensure the premises are occupied.

#### Non-residential floorspace

- 10.18. The provision of a small-scale flexible unit (79sqm of flexible A1/ B1 /D1 (retail/ office/ community floorspace) as part of high-density housing-led development within the opportunity area would help to meet the needs of local residents, and would also activate the ground-floor. As outlined in the above paragraphs, the same applies for the 810sqm flexible B1/D1 use. The proposal on this basis would comply with Policies SP01 and DM1 in the Core Strategy (2010) and Managing Development (2013), respectively.

#### Housing provision

- 10.19. Increased housing supply is a fundamental policy objective at national, regional and local levels, including the provision of affordable housing.
- 10.20. The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Paragraph 7 advises that a dimension of achieving sustainable development is 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.
- 10.21. NPPF Section 6 states that “... housing applications should be considered in the context of the presumption in favour of sustainable development” and “Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.”
- 10.22. London Plan Policy 3.3 ‘Increasing Housing Supply’ recognises the pressing need for new homes in London, and Table 3.1 sets a delivery target for the

borough of 39,314 new homes over a ten year period and 3,931 new homes per year. These should be exceeded if possible.

- 10.23. Policy SP02 of the Core Strategy seeks to deliver 43,275 new homes from 2010 to 2025. The Core Strategy identifies Cubitt Town as an area where residential growth will be supported, set around a thriving mixed use town centre at Crossharbour. The proposal for a residential led development at 225 Marsh Wall would contribute toward the borough's and London's housing delivery and is supported in strategic planning terms.
- 10.24. To conclude on land use, the principle of a residential led mixed use development is consistent with national policy and the development plan and supported in principle.

## **Housing**

### Affordable Housing

- 10.25. In line with section 6 of the National Planning Policy Framework, the following London Plan policies guide the provision of affordable housing:
- Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing.
  - Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure.
  - Policy 3.11 requires that 60% of affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale, with priority given to provision of affordable family housing.
  - Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured, subject to viability and site constraints.
- 10.26. The Council's policy SP02 of the Core Strategy sets an overall strategic target for affordable homes of 50% of new construction, with a minimum of 35% provision sought, subject to viability. The overall strategic tenure split for affordable homes is set as 70% affordable rented and 30% intermediate. This split is reiterated by policy DM3 of the Managing Development Document which also requires that affordable housing provision is to be calculated by using habitable rooms to allow for the most suitable mix of affordable housing.
- 10.27. Policy DM3 of the Managing Development Document requires developments to maximise affordable housing on-site. Off-site affordable housing will be considered where it can be demonstrated that:
- a. It is not practical to provide affordable housing on-site;
  - b. to ensure mixed and balanced communities it does not result in too much of any one type of housing in one local area;
  - c. It can provide a minimum of 50% affordable housing overall, subject to viability;
  - d. It can provide a better outcome for all of the sites including a higher level of social rented family homes; and
  - e. Future residents living on all sites use and benefit from the same level and quality of local services.

- 10.28. The current scheme proposes 25% affordable housing by habitable rooms, uplift from the original offer of 23.2%. This is despite the viability report claiming that the offer is currently over and above the maximum reasonable amount that can be supported by the development. The applicant notes that ‘the proposed amendments must however be considered in the context of the viability position; that the previous 23.2% provision as submitted was financially unviable, and that in proposing a 25% provision the applicant is taking a bigger commercial risk delivering what is a more unviable development.’
- 10.29. The council’s independent viability consultants have reviewed the submitted viability report and addendum on behalf of the council and confirm that 23.2% is above what the scheme can viably deliver. A pre implementation review mechanism will apply if the scheme is not commenced within 2 years. An advanced stage review mechanism will be required on sale of 75% of the units. These measures would be secured via the section 106 agreement.
- 10.30. The affordable housing provision is summarised in the table below:

Tenure	Habitable Rooms			
Private Residential	654 (261 units)	75%		
Intermediate	218 (71 units)	25%	74 (31 units)	33.9%
Affordable Rent			144 (40 units)	66.1%
Total	872 (332 units)	100%		

- 10.31. As shown in the table, of the 332 units proposed, 71 would be affordable units. This represents a 66%/34% split in favour of affordable rented accommodation as opposed to intermediate. Of the 71 affordable units; 40 would be affordable rent and 31 would be intermediate units. Of the 40 affordable rent units, 50% would be at London affordable rents (20 units) and 50% would be at Tower Hamlets living rents (20 units).
- 10.32. Whilst the proposal falls short of the 35-50% affordable housing policy requirement, the independent viability consultant has confirmed that the 25% affordable housing proposed is above what can viably be delivered. Furthermore, the rented accommodation is in line with the emerging rent levels required by the GLA and Tower Hamlets, which are more affordable to residents in the borough.
- 10.33. For the reasons outlined above, the applicant has maximised affordable housing delivery on site. The proposal therefore complies with the relevant policies.

### Residential tenure mix

10.34. As set out in paragraph 5.11, the applicant made a number of design changes which also resulted in the following changes to the housing mix:

- the loss of 4 affordable rent homes on level 2 as a result of the amenity space at this level being increased to occupy the whole of this floor;
- the introduction of a 'hybrid' floor at level 9 comprising 4 affordable rent homes (2x 1-bed, 2x 3-bed) and 4 intermediate homes (4x 1-bed);
- level 10-12 comprising intermediate housing which incorporates the removal of all studio and 3 bedroom units from the intermediate component;
- the introduction of a 'hybrid' level at floor 13 comprising 3 intermediate homes (3x 1-bed) with the remainder of the floor comprising private housing.
- Overall the number of social rented units has stayed the same at 40 (the unit sizes have stayed the same with the exception of 1 less 4-bedroom unit and 1 more 3-bedroom unit).
- Overall the number of intermediate units has increased from 24 to 31 (the unit sizes have changed with the removal of all 3 studio units, an increase in 1-bedroom units from 9 to 19, an increase in 2-bedroom units from 9 to 12 and the removal of all 3 of the 3-bedroom units).

10.35. In line with section 6 of the National Planning Policy Framework and London Plan policy 3.8, the Council's Core Strategy policy SP02 and policy DM3 of the Managing Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant targets and the breakdown of the proposed accommodation is shown in the tables below.

Unit size	Total units in scheme	Affordable housing						Market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
1 bed	166	8	20%	30%	19	61%	25%	139	53%	50%
2 bed	136	12	30%	25%	12	39%	50%	112	43%	30%
3 bed	18	8	20%	30%	0	0%	25%	10	4%	20%
4 bed	12	12	30%	15%	0	0%		0	0%	
<b>TOTAL</b>	<b>332</b>	<b>40</b>	<b>100%</b>	<b>100%</b>	<b>31</b>	<b>100%</b>	<b>100%</b>	<b>261</b>	<b>100%</b>	<b>100%</b>

10.36. The dwelling mix within the affordable rented units is broadly compliant with the Core Strategy targets:

- 20% 1 bed units - policy target 30%,
- 30% 2 bed units - policy target 25%,
- 50% family sized (3 bed +) - policy target 45%.

10.37. Within the intermediate tenure, there are no 3-bedroom units, there is an under provision of 2-bedroom units and an over provision of 1 bedroom units:

- 61% 1 bed units - policy target 25%,
- 39% 2 bed units against policy requirement of 50%.
- No 3-bedroom units against policy requirement of 25%.

10.38. For the private units, the scheme is broadly compliant but there is an under provision of family sized accommodation.

- 53% 1 bedroom units – policy target 50%
- 43% 2 bed units – policy target 30%
- 4% family sized (3 bed +) - policy target 20%.

10.39. The original scheme included the provision of 3-bedroom units within the intermediate tenure. The removal of these units contributed towards an improved scheme viability which allowed for the removal of all studio units (for which there was no policy requirement) and the introduction of a floor of internal amenity space and fewer residential units to occupy this space. These changes are considered to be more beneficial, particularly in the Marsh Wall area where larger intermediate units are unaffordable for some residents in the borough.

10.40. There is an under provision of family sized accommodation within the private tenure. However, it is also recognised that there is a slight over provision within the affordable tenure with the inclusion of four-bedroom units which are most in demand in the borough.

10.41. For the reasons outlined above, the proposed unit mix would be in broad compliance with the relevant policies.

#### Inclusive design

10.42. London Plan Policy 3.8 'Housing Choice,' the Mayor's Accessible London SPG, and MDD 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. London Plan Policy 3.8 'Housing choice' and Core Strategy Policy SP02 6 require all new housing to be built to Lifetime Home Standards.

10.43. The applicant has confirmed that 10% of units are designed to be wheelchair accessible/easily adaptable and these units are spread across tenures. All the residential units would be built to Lifetime Home Standards.

#### **Density and amount of development**

10.44. The submitted site plan (Figure 1 above) includes part of the public highway on Marsh Wall and part of Lord Amory Way that was included within the Meridian Gate site. The building area below, comprising 0.27 ha. is a more accurate area for the purpose of density calculation.



**Figure 10. Site area for density calculation**

10.45. Calculated using the GLA Housing SPG methodology (para 1.3.70) the resultant density is:

Residential GIA: 31,895 sq. m. (97%)  
 Non-residential GIA: 889 sq. m. (3%)  
 Total GIA: 32, 784 sq. m.  
 No. of habitable rooms: 872  
 97% of site area is 0.26 ha.

Residential density = 3, 354 habitable rooms / hectare

10.46. London Plan Policy 3.4 'Optimising housing potential' and Tower Hamlets Core Strategy Policy SP02 'Urban living for everyone' require development to 'optimise' housing output taking account of public transport accessibility, local context and character and the design principles in London Plan Chapter 7. London Plan Table 3.2 provides a 'Sustainable residential quality density matrix (habitable rooms and dwellings per hectare)' for differing locations based on public transport accessibility levels (PTAL). For 'Central' areas with PTAL4, Table 3.2 provides an indicative density range of 650-1,100 habitable rooms per hectare (hrph). Development proposals which compromise this policy should be resisted.

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

10.48. Guidance on the implementation of Policy 3.4 is provided by the Mayor's 'Housing' SPG May 2016. The SPG advises that the density ranges should be considered as 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 justified, 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.

10.49. Schemes which exceed the ranges in the matrix must be of a high design quality and tested against the following considerations:

- local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;
- the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;
- the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with housing quality standards;
- a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';
- depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;
- the residential mix and dwelling types proposed, taking into account factors such as children's play space provision, school capacity and location;
- the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and
- whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development including opportunity areas.

10.50. As detailed in this report, officers consider that in some local views, the building appears bulky and have raised concerns that the footprint of the building is too large for the plot size. However, as explained further in the design section, there is no harm to strategic views, no objections were raised by Historic England, the Council's Conservation and Design Advisory Panel largely supported the building and there is no material harm caused by the height and mass of the building to neighbouring properties or to the housing quality of the proposed units. Furthermore, the development is in a good accessible location (Public Transport Accessibility Location 4) and would deliver a large amount of high quality residential units, 25% of which would be affordable which is in excess of what is viable on the site. The scheme can also deliver all of the open space requirements in terms of private, communal 0-11 child play space as well as an area of public open space. Overall then, it is considered the proposal meets the abovementioned criteria and this is elaborated upon in the following sections of the report.

## **Housing quality and standards**

- 10.51. London Plan Policy 3.5 'Quality and design of housing developments' requires new housing to be of the highest quality internally and externally. The Plan explains that the Mayor regards the relative size of all new homes in London to be a key element of this strategic issue. Local Plans are required to incorporate minimum spaces standards that generally conform to Table 3.3 – 'Minimum space standards for new development.' Designs should provide adequately sized rooms and convenient and efficient room layouts.
- 10.52. Guidance on these issues is provided by the Mayor's 'Housing' SPG 2016 that sets standards on the minimum level of quality and design that new homes should meet. 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 will require clear and robust justification.
- 10.53. Core Strategy policies SP02(6) 'Urban living for everyone' supports the London Plan requiring all housing to be high quality, well-designed and sustainable.
- 10.54. MDD Policy DM4 'Housing Standards and Amenity Space' requires all new developments to meet the internal space standards set out in the Mayor's earlier SPG 2012.
- 10.55. MDD Policy DM25 'Amenity' seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.
- 10.56. In March 2015, the Government published 'Technical housing standards – nationally described space standard.' This 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. The Minor Alterations to the London Plan 2016 and the Mayor's 'Housing' SPG 2016 (Standard 24) reflect the national guidance.
- 10.57. SPG Standard 26 requires a minimum of 5 sq. m. of private outdoor space for 1-2 person dwellings and an extra 1 sq. m. for each additional occupant. Standard 27 requires balconies and other private external spaces to have minimum depth and width of 1.5 m.

### Units per core

- 10.58. The GLA Housing SPG Standard 12 says that each core should be accessible to generally no more than eight units per floor; each residential level provides 8 units per core and as such meets the standard.

### Internal space standards

- 10.59. All units achieve or exceed minimum internal spaces standards including room sizes. Private amenity space standards would also be achieved for all units with individual terraces.

### Single aspect dwellings

- 10.60. SPG 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. All proposed units would be at least dual aspect and therefore compliant with this standard.

### Ceiling heights

- 10.61. All units have a minimum floor to ceiling height of 2.6 m, exceeding the 2.5 m. requirement of Design Standard 31.

### Sunlight and daylight within the proposed residential accommodation

- 10.62. The application ES Appendix 14.3 provides an Internal Daylight and Sunlight Assessment that has been analysed by an independent consultant on behalf of the council.

- 10.63. Since the application was submitted, an application for a 600 unit residential led scheme including a 48 storey tower has been submitted on the Skylines site on the opposite side of the road (council reference: PA/17/01597- as detailed within the 'Planning History' section of the report). The applicant has submitted further information detailing: The impacts of the Skylines scheme on 225 Marsh Wall, the impacts of 225 Marsh Wall on the Skylines scheme and the cumulative impacts of both these schemes on surrounding developments. This information has also been reviewed by the Council's independent consultant.

- 10.64. The BRE Handbook 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' provides guidance on daylight and sunlight matters but is not mandatory. The BRE provides advice on room depth and the no sky line within rooms. The BRE adopt British Standard 8206 as the main criteria that recommends minimum Average Daylight Factor (ADF) values for new residential dwellings:

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

- 10.65. The applicants report advises that in the cumulative scenario with the Skylines scheme in place, 96.6% of the rooms will still meet the BRE criteria (based on 1.5% for living/ kitchen areas) for ADF. As such, all living rooms except for two will meet the criteria and the two remaining living rooms will be left with marginally less at 1.1% and 1.3%. It is relevant that these will have good levels of daylight distribution as the windows in the west and south elevations will have good levels of sky visibility to either side of the Skyline Tower. There are some minor failures for bedrooms up to the ninth floor level, and 4 instances of levels at 50% of the recommended ADF within bedrooms at floors 3, 4 and 5. However, other rooms within these units have very good lighting levels and the overall scheme compliance is considered to be good. Based on the above, available daylight within the proposed rooms is considered to be good and broadly compliant with policy.

- 10.66. For calculating sunlight, the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within

90 degrees of due south. Annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each such window. If the window can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should receive enough sunlight.

- 10.67. For sunlight, 97% of the rooms will receive the recommended levels of annual sunlight with three rooms receiving less than this. Two of these only fail in relation to winter sunlight but have adequate annual sunlight. On this basis, it is considered the proposal will have acceptable levels of daylight.
- 10.68. The proposal includes an area of open space to the west of the site. Even in the cumulative scenario with Skylines Village in place, 58.4% of the area sees at least two hours of sunlight on 21<sup>st</sup> March and as such is fully in line with BRE guidance.
- 10.69. To conclude, the sunlight to the proposed amenity space and the overall lighting levels within the proposed units are considered to be very good within the urban context. As such, the proposal is broadly compliant with policy and the BRE guidance.

#### Communal amenity space and play space

- 10.70. Policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments, this is in addition to communal amenity space required by London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document at a ratio of 50sqm for the first 10 units plus 1sqm for every additional unit.
- 10.71. Policy DM4 advises that LBTH child yields should be applied to ensure that 10sqm of useable child play space is provided per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.
- 10.72. The development includes provision of communal amenity space at level 2 (140 square metres for the affordable units in the form of a residents lounge and external terrace) and level 46 (592 square metres for the private units in the form of a residents gym, games area, lounge and external terrace). This equates to a total of 732 sqm of communal amenity space, significantly in excess of the requirements. Both spaces would be easily accessible, well lit and provide variety in terms of seating areas.
- 10.73. The majority of child playspace (573 sqm) would be provided at second floor level in the form of internal/ external child play space facilities for both private and affordable units with the remaining space (160sqm) being provided at ground floor level.
- 10.74. The space at second floor level would include internally: 0-5 soft play, 5-11 kids play and a teenager games room. The external terraces indicate a range of play equipment to be included and details of the play equipment will be secured by condition. The remaining 160 sqm at ground floor level would include play equipment for 0-5 and 5-11 year olds. Again, details of this would be required and secured through a planning condition.

10.75. The table below demonstrates the child yield from the proposed development in accordance with the GLA child yield calculator.

	Number of children	%	On site provision (sqm)	Required provision (sqm)
Under 5	30	35	278 (-22sqm)	300
5-11	31	36	309 (-1sqm)	310
12+	26	29	146 (-114 sqm)	260
Total	87	100	733 (-137 sqm)	870

10.76. As shown within the table, the proposal includes the provision of 733 sqm of dedicated child play space. This would fall short of the requirement for 870 sqm child play space by 137sqm. The shortfall is predominantly within the 12+ age range. As outlined within policy DM4, play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.

10.77. Should members be minded to grant planning permission for the scheme, a condition would be attached requiring the redistribution of child play space so that all of the 0-11 play space can be met on site. This can be achieved by a reduction of the 12+ play space by 23sqm to be provided towards 0-11 play space, 123sqm of 12+ space could be provided against the requirement of 260sqm.

10.78. The inclusion of an internal games room and external terrace area dedicated for this age group, combined with the access to the communal amenity space as well as the 360sqm square of public open space at ground floor level is considered reasonable given that St Johns Park is just a 6 minute walk to the south and includes a tennis courts and a multi use games pitch. Overall, inclusion of varied, high quality internal and external dedicated play space is considered to be a key benefit of the scheme and the scheme is in broad compliance with the policies.

#### Summary on housing quality

10.79. Overall, the scheme meets or exceeds many of the housing quality standards and the overall quality of accommodation is considered to be very good and thus broadly compliant with policy.

#### **Heritage**

10.80. The environmental statement (ES) assesses the likely effects of the proposed development on strategic views within the London View Management Framework.

10.81. Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2016) and the draft London World Heritage Sites – Guidance on Settings SPG (2011) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.

10.82. London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the

Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

- 10.83. Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF. The strategic views referred to above are 'designated' heritage assets.

#### Strategic Views

- 10.84. The applicants view assessment includes images of the existing, proposed and cumulative scenarios taken from designated strategic views within the London Management View Framework (LMVF). The following views have been included: 5A.2, 1A.1, 2A.1, 4A.1, 5A.2, 6A.1, 11B.1, 11B.2, 12B.1, 15B.1. Within several of the views, the scheme can barely be seen and in some cannot be seen at all.
- 10.85. The site is most visible from 5A.2 (General Wolfe Statue Greenwich Park), 6A.1 (Blackheath) and 11B.1 (London Bridge).
- 10.86. With regards to 5A.2 from Greenwich Park, Paragraph 146 of the LVMF SPG states that:

*“The composition of the view would benefit from further, incremental consolidation of the clusters of taller buildings on the Isle of Dogs and the City of London.”*

- 10.87. The applicant's Heritage, Townscape and Visual Impact Assessment illustrates how the building will become part of the developing cluster of consented and proposed buildings on the Isle of Dogs.
- 10.88. With regards to views 6A.1, 11B.1 and the other views tested, officers have considered these views and have concluded that the proposed development will fall within a larger cluster within distant views and not be unduly detrimental within any of these views. Furthermore, no objections have been raised by English Heritage. Based on the above, the proposal is compliant with the relevant policy.

#### Surrounding Conservation Areas and Listed Buildings

- 10.89. When determining listed building consent applications and planning applications affecting the fabric or setting of listed buildings, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest. A similar duty is placed with respect of the appearance and character of Conservation Areas by Section 72 of the above mentioned Act.
- 10.90. The closest Conservation Area is Coldharbour to the east and The Gun Public House is the nearest Listed Building. Given the distance between this site and surrounding heritage assets along with the cumulative effect of consented tall buildings in the Tower Hamlets Activity Area, the proposal is considered to preserve the setting of these assets.

- 10.91. To conclude on heritage impacts, the proposal would conserve the setting and appearance of the designated heritage assets and would not be unduly detrimental from any of the strategic viewpoints. The proposal therefore complies with the relevant policy.

### **Urban design**

#### NPPF

- 10.92. The parts relevant to design / appearance and heritage are Chapter 7 'Requiring good design' and Chapter 12 'Conserving and Enhancing the Historic Environment.' The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites whilst responding to local character. Matters of overall scale, massing, height and materials are legitimate concerns for local planning authorities (paragraph 59).

#### The London Plan

- 10.93. The London Plan addresses the principles of good design and preserving or enhancing heritage assets. 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.*

- 10.94. The Plan adds that tall buildings should not adversely impact on local or strategic views and the impact of tall buildings proposed 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.

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

Tower Hamlets Local Plan

10.96. Core Strategy Figure 37 page 80 ‘Creating distinct and durable places’ shows 225 Marsh Wall within an area where the priority is to ‘protect and improve local distinctiveness, character and townscape in areas of high growth.’

10.97. Within the Core Strategy’s Vision for Cubitt Town (page 124) development principles include:

- New development should be focused in the north of Cubitt Town on identified development sites:
- Development should provide transition between the higher rise commercial area to the north and the nearby low-rise residential areas to the south and east.

10.98. Core Strategy 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.

10.99. These principles are followed in the MDD and 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.

10.100. MDD Policy DM26 ‘Building heights’ and Figure 8 require building heights to accord with the town centre hierarchy. It seeks to guide tall buildings towards the Aldgate and Canary Wharf Preferred Office Locations. In this case, the site is within an Activity Area, the second step down in the hierarchy.



This table provides an illustration of the heights representing the town centre hierarchy.  
 Figure 9: Illustration showing building heights for the Preferred Office Locations and the town centre hierarchy

**Figure 11- MDD Building heights and the Town Centre Hierarchy**

## South Quay Masterplan 2015 (SQMP)

- 10.101. The latest supplementary guidance for Marsh Wall East is the South Quay Masterplan 2015. The masterplan supplements the development plan and is a material consideration in determining the planning application at 225 Marsh Wall.

Figure V1 Vision Map



- 10.102. The Master Plan (Figures V1 & 3.1) identifies the site of 225 Marsh Wall for an active ground floor frontage on Marsh Wall, with massing comprising a tall building, a taller element (10+ storeys), a plinth (3-10 storeys) and a podium 1-2 storey). The massing of new developments should complement and provide a transition from the Canary Wharf Major Centre to the adjacent residential areas, particularly along the southern boundary. It should ensure that build step down from dock side and open spaces.

### Site Layout

- 10.103. The site layout has been informed by the aspiration to create a significant area of high quality public realm through connecting the approved public open space within the Meridian Gate scheme immediately west of the application site. On this basis, the proposed building has been positioned to the east of the site and a area of open space (approximately 600m) is proposed to the west of the site. The proposed surface materials reflect those of Meridian Gate in order to visually connect these spaces and the access road to the west would match these materials to further strengthen this link.
- 10.104. The building has been set back approximately 6m from the eastern boundary line, which is around 7m with the inclusion of half of the width of the eastern access road. This has increased by approximately 2.5m in the amended drawings from the initial submission. Ideally, the building would be 9m from the neighbouring site at 227 Marsh Wall, to allow 18m between habitable rooms should the site next door come forward for residential development.

However, this would compromise the area of public open space proposed to the west of the application site. Furthermore, the application site which is not dissimilar in size to 227 Marsh Wall, has set back approximately 15m from the western boundary to allow for public open space and as such, a requirement for 227 to set back 11m to allow for residential development is not considered unreasonable.

- 10.105. The building is 16m from the office building to the north and in excess of 20m from the buildings to the west at Meridian Gate and to the south at Skylines. This is considered acceptable in terms of site layout.
- 10.106. The building has been designed in a cross shape which allows for 100% dual aspect units and results in good lighting levels as detailed within the housing section of the report.
- 10.107. Active uses have been provided along the southern boundary at ground floor level in accordance with the South Quay Masterplan and residential access cores and access to cycle stores are positioned along the north, east and west elevations to provide activity at ground floor around the perimeter of the site.
- 10.108. Conditions will be attached to secure the final design, layout and materiality of the public open space. However, officers consider that the proposal provides a good mix of hard and soft landscaping and a range of spaces including open grass areas, planting, benches and seating and a play area. Overall, officers support the approach to site layout which complies with the relevant design policies.

#### Height, Mass and Bulk

- 10.109. On balance, officers consider that the proposed development meets the criteria of London Plan Policy 7.7 for tall and large scale buildings, the Core Strategy and Managing Development Document policies on tall buildings as well as advice in the 'Housing' SPG to assess schemes which exceed the ranges in the Sustainable Residential Quality Matrix:
- 10.110. The site is located in an opportunity area and an activity area where tall buildings are generally directed. The proposal would be 163m AOD, which is 23m (8 storeys) less than the previous withdrawn application (PA/15/02303- as detailed in 'Planning History' section of this report). The foot print of the building has also reduced from 51.5m wide and 29.4m long in the previous scheme to 36.8m wide and 18.9m long in the current scheme. This has allowed for a greater area of open space to the west of the site and a wider access route to the east and thus a greater distance between the application site and the neighbouring site at 227 Marsh Wall.
- 10.111. As detailed within the 'Planning History' section of the report, a previous application on the site (PA/09/01637) which proposed a 154m AOD height building was refused in 2010 due to unsatisfactory scale and mass in conjunction with development proposed at Skylines Village site (Ref. PA/10/00182). It was decided that the schemes, due to cumulative height, scale, mass and proximity, would result in a townscape which would appear incongruous in both local and long-distance views and canyonize the public realm on Marsh Wall.

- 10.112. Also detailed within the 'Planning History' section of the report, is a current application for the Skylines scheme which was submitted in June 2017. The scheme proposes 600 residential units, a two form entry school, an office building and ground floor commercial uses. The building heights include a tower of 48 storeys and two towers around 25 storeys. Immediately opposite 225 Marsh Wall on the Skylines scheme, there is a part 6 storey, part 12 storey office block. The positioning of commercial space in this location on the Skylines site avoids habitable rooms facing on to one another. However, the distance between the schemes still maintains approximately 20m in line with the recommended privacy separation distances.
- 10.113. The residential use at 225 is the more sensitive use of the two buildings and the cross shape form of the building has allowed dual aspect for all of the units within the building. This means that any units with windows on the southern elevation on the lower floors of the building (levels 3-10 opposite the Skylines business centre) that don't fully comply with BRE guidance also have an east or west facing window with good lighting levels allowing for an overall well lit unit. The 'Housing Quality' section of the report concludes that 225 Marsh Wall benefits from very good levels of lighting in the context of this urban area. The impacts of 225 on Skylines have also been considered and the council's independent daylight/ sunlight consultant has concluded that the scheme at 225 by virtue of its position and orientation in relation to Skylines would have a negligible impact on the Skylines scheme. In relation to cumulative impacts on existing surrounding developments, it was concluded that whilst there are some impacts on surrounding properties, this is largely due to poor lighting levels in existing developments and other developments within the cumulative scenario.
- 10.114. The tall buildings on the Skylines scheme have been positioned to the west away from the building proposed at 225 Marsh Wall. Furthermore, since the 2010 refusal, the local context has changed with permissions at South Quay Plaza, Meridian Gate and Dollar Bay. Permitted heights (AOD) for development in the surrounding area is as follows:

225 Marsh Wall proposed	163 m.
One Canada Square	245.75 m.
Pan Peninsula constructed	147 m.
South Quay Plaza 1-3permitted	Part 220 m, part 181 m.
South Quay Plaza 4	198m
Baltimore Wharf under construction	154.8 m.
Meridian Gate under construction	187.45 m.
Dollar Bay under construction	144.5 m.
Wood Wharf permitted	Max 211.5 m.

- 10.115. The height of the approved scheme at Meridian Gate was accepted because of site specific reasons, in particular because it terminates the northern vista up Limeharbour. 225 Marsh Wall does not benefit from such a location and is further away from 1 Canada Square than Meridian Gate. However, the statutory local plan policy requires heights to provide a transition between the Canary Wharf tall building cluster and the low rise townscape to the south and east of the Isle of Dogs. At 163m, the proposed building is nearly 25m below the building at Meridian Gate and is therefore around half way between the height of Meridian Gate to the north and Dollar Bay (144.5m) to the east. The building does therefore demonstrate a gradual downward transition in height from the Canary Wharf tall buildings cluster in line with the adopted policy.

- 10.116. No objections have been raised by Historic England or the London Borough of Greenwich regarding impact on views protected by the London View Management Framework, including views from the Greenwich Maritime World Heritage Site and London Bridge. It is not considered that there would be any adverse effect on the setting of the Coldharbour Conservation Area.
- 10.117. In terms of local views, officers have raised concerns with regard to the perceived mass and bulk of the north and south elevations which would appear as a significant mass when viewed straight on. There is little opportunity to view the entirety of the south elevation straight on from the local views. However, from the northern side of south dock, the full width of the north elevation would be visible and does appear wide and bulky from this view. This would cause harm to the local townscape within the context of this particular area. However, with the exception of the direct view towards the northern elevation, the local and strategic views are acceptable within the context. Views of the east and west elevations are more visible within the local context and these elevations are smaller in width and are broken up by the stepped down and stepped in shoulder elements.
- 10.118. With the exception of the view from the northern side of the dock, the proposed views are acceptable. The harm caused to the local view from the northern side of the dock is outweighed by scheme benefits. These benefits include the delivery of a significant amount of high quality housing, affordable housing, community/ office and retail floor space, improved public realm and contributions towards infrastructure in the borough.
- 10.119. Finally, the previous report made reference to the scheme not incorporating the varied podium and plinth heights as indicated within the south quay masterplan. The proposal indicates a podium level which is clearly defined from the upper floors of the building. Ideally a podium level would have been incorporated to allow for more of a step down. However, as noted in the above sections, the overall height and mass of the building is considered to be acceptable and the views are broadly supported. The incorporation of a plinth level 3-10 stories would have a significant impact on the scheme viability and thus would result in a significant loss of affordable housing.

#### External Appearance

- 10.120. Each elevation is broken in to three elements with the more central element emphasising the verticality and the outer elements appearing softer and more reflective. The vertical bands would be a light cast reconstituted stone, vertical highlights and feature cladding would be copper coloured metal, horizontal lines and planes would be grey blue semi-gloss coating to metal panels and glazing would be constructed of light grey-blue glass, metal backed spandrel shadow boxes and black joints. The elevational design and materials proposed would result in a high quality, external appearance. The exact specification of materials would be secured by condition.
- 10.121. The ground and first floor levels of the building form part of the podium. The vertical glazing panels over ground and first floor, along with the copper coloured feature screen wrapping around the first floor of the podium define the lower commercial floors of the building from the residential tower above. This is further emphasised by the stepped in second floor of the building which provides an outdoor terrace to accompany the internal amenity and play space. The podium provides a more human scale at street level, which

provides visual interest and contributes to the high quality external appearance of the scheme.

- 10.122. To conclude on design; the site layout allows for a area of public realm space and high quality, well lit residential units; the height of the scheme is acceptable within the context and the overall scale and massing is broadly supported and; the proposed materials and design detailing would provide in a high quality external appearance and finish. The councils Conservation and Design Advisory Panel (CADAP) were also supportive of the scheme. The proposals comply with the relevant design policies.

### **Amenity / Impact on surroundings**

- 10.123. Further to policy 7.6 of the London Plan and SP10 of the Core Strategy, policy DM25 of the Managing Development Document requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure or loss of outlook, unacceptable deterioration of sunlighting and daylighting conditions or overshadowing and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phases of the development.

### Daylight and sunlight

- 10.124. Guidance on assessment of daylight and sunlight is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value. The BRE guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probable sunlight hours or less than 5% between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%.
- 10.125. For overshadowing, the BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse. The daylight/ sunlight section within the ES assesses the impact of the proposal on the daylight/ sunlight on surrounding residential properties.
- 10.126. Since the application was submitted, an application for a 600 unit residential led scheme including a 48 storey tower has been submitted on the Skylines site on the opposite side of the road (PA/17/01597- as detailed within the 'Planning History' section of the report). The applicant has submitted further information detailing: The impacts of the Skylines scheme on 225 Marsh Wall, the impacts of 225 Marsh Wall on the Skylines scheme and the cumulative impacts of both these schemes on surrounding developments. This information has also been reviewed by the Council's independent consultant.



- 10.127. The analysis covers the nearest residential properties to the development. There are dwellings along and near Roffley Street (directly to the south of the development, just visible at the bottom of the map above) and the other side of East Ferry Road, but these are further away and should be less impacted by the development.
- 10.128. The building immediately to the north of the proposed development (known as Meridian North) is currently a commercial building, and therefore would not usually be included in an assessment of loss of daylight and sunlight. However, it could potentially be developed for future residential use. It is clear that the development at 225 Marsh Wall would place restrictions on daylight, and especially sunlight, provision to a potential future development at Meridian North. The BRE Report provides guidance on provision to adjoining development land. GIA have not undertaken an assessment using these guidelines. However, there are no current proposals on the land at Meridian North and this site is also owned by the applicant.
- 10.129. There are two new developments at various stages of completion near the site. Dollar Bay, to the north east of the site and Meridian Gate, directly to the west of the site. The cumulative impact of the proposed building with these developments (and the Wood Wharf development to the north of South Quay) are assessed in Chapter 16 of the Environmental Statement. As outlined above, the Skylines scheme on the opposite side of the road has also been

included within the cumulative scenarios. Cumulative impacts are discussed separately for each surrounding property.

10.130. The impacts on the following properties are considered:

- Meridian Place
- 1 – 52 Antilles Bay
- 12 – 24 East Ferry Road
- 26 – 44 East Ferry Road
- 30 - 33 Chipka Street
- 6 - 13 Chipka Street
- 1 – 30 Llandoverly House
- Loss of sunlight to courtyard at Meridian Place
- Overshadowing of surrounding areas
- Potential impact to The Madison development

#### Meridian Place

10.131. In terms of daylight, of the 366 windows analysed, 356 would meet the BRE guidelines. 9 of the 10 windows would appear to be only marginally below the guidelines for VSC. The results suggest that some rooms are lit by multiple windows. Of the 183 individual rooms in the results, 177 would have at least one window meeting the BRE guidelines.

10.132. In terms of sunlight, 4 potential living rooms out of 87 potential living rooms (some are marked as 'unknown' but have been tested to allow for a worst case scenario) would have sunlight provision below the BRE guidelines.

10.133. In the cumulative scenario, 329 windows at Meridian Place would not meet the BRE guidelines for vertical sky component (37 of 366 windows would meet the guidelines). Ten rooms would not meet the daylight distribution guidelines (172 of 183 rooms would meet the guidelines). Comparing the results with the proposed scenario, Meridian Gate and Skylines have a much greater impact on Meridian Place than the proposed development. The cumulative impact on daylight is assessed as moderate to major, though most of this is due to other developments in the cumulative scenario.

10.134. In the cumulative scenario 229 out of 358 windows would meet both the annual and winter probable sunlight hours guidelines. Comparing the results with those of just the proposed development, The Madison is directly to the south of a portion of Meridian Place and therefore has a greater impact on sunlight to Meridian Place than the proposed development. The cumulative impact is assessed as moderate, though most of this is due to other developments in the cumulative scenario.

#### 1-52 Antilles Bay

10.135. In terms of daylight, of the 59 windows analysed at the property, 48 would meet the BRE guidelines for VSC. 37 of the 42 rooms would have at least one window which would meet the guidelines. The daylight distribution results presented show that all 42 rooms would meet the BRE guidelines. The loss of daylight impact is assessed as minor adverse.

- 10.136. In terms of sunlight, the ten windows analysed would be below the BRE guidelines for loss of sunlight, however, these are identified as bedrooms and the loss of sunlight would be assessed as negligible.
- 10.137. With a cumulative scenario, 18 out of 59 windows at Antilles Bay would meet the BRE guidelines for vertical sky component. 41 out of 42 rooms would meet the BRE guidelines for daylight distribution. The cumulative impact for daylighting is assessed as minor to moderate adverse.
- 10.138. In the cumulative sunlight scenario, the impact on the 10 bedroom windows is negligible.

#### 12-24 East Ferry Road

- 10.139. In terms of daylight, all 31 rooms tested would meet the VSC guidelines. The 31 windows light 24 individual rooms, which would all also meet the daylight distribution guidelines. The loss of daylight is assessed as negligible.
- 10.140. The development is to the north of 12 – 24 East Ferry Road and would therefore not impact sunlight provision.
- 10.141. In the cumulative scenario, 3 of the 31 windows analysed would meet the BRE guidelines for vertical sky component. All rooms would meet the guidelines for daylight distribution. The cumulative impact is assessed as minor to moderate. Again, it is clear that the results are predominantly caused by other developments in the cumulative scenario.
- 10.142. There would be no cumulative impact on sunlight provision since development sites are to the north.

#### 26- 44 East Ferry Road

- 10.143. In terms of daylight, of the 28 windows analysed, 18 would meet the BRE guidelines for VSC. The daylight distribution results for the 27 rooms analysed show that all would meet the BRE guidelines.
- 10.144. Additional VSC results were provided showing the VSC if overhanging balconies are omitted. This shows significant improvements with almost full compliance. This does illustrate that the balconies are having a material impact on the VSC results and that, if the balconies were not present, then the impacts that could be reported would be less significant. Therefore, the loss of daylight is assessed as minor due to the overhanging walkways and the improved situation without these walkways.
- 10.145. The development is to the north of 26 – 44 East Ferry Road and would therefore not impact sunlight provision.
- 10.146. In the cumulative scenario, 6 of the 28 windows analysed meet the BRE guidelines for daylight, this low is due to the existing lighting levels and overhanging walkways. There would be no cumulative impact on sunlight provision since development sites are to the north.

### 30-33 Chipka Street

- 10.147. In terms of daylight, all 32 windows analysed would meet the BRE guidelines for VSC. The 32 windows light 24 rooms, all of which would also meet the BRE guidelines for daylight distribution.
- 10.148. The loss of daylight is assessed as negligible and the development is to the north of 30 – 33 Chipka Street and would therefore not impact sunlight provision.
- 10.149. Within the cumulative scenario, 6 out of 28 windows would meet the BRE vertical sky component guidelines. The cumulative impact is assessed as minor. There would be no cumulative impact on sunlight provision.

### 6-13 Chipka Street

- 10.150. In terms of daylight, of the 34 windows analysed, 7 would meet the BRE guidelines. Daylight distribution is calculated in 33 rooms, with all meeting the BRE guidelines.
- 10.151. The loss of daylight is considered to be minor-moderate because the failures are largely due to the balcony overhangs on the building. The development is to the north of 6 – 13 Chipka Street and would therefore not impact sunlight provision.
- 10.152. With the cumulative scenario, none of the windows analysed at 6 – 13 Chipka Street would meet the BRE guidelines for vertical sky component. All analysed rooms would meet the guidelines for daylight distribution. The cumulative impact is assessed as major. However, as outlined above, this is due to the existing balcony overhangs. There would be no cumulative impact on sunlight provision.

### 1-30 Llandovery House

- 10.153. All of the 20 windows (which were the most likely to be affected) analysed would meet the BRE guidelines for vertical sky component. Windows along the rest of the façade would also be expected to meet the BRE guidelines.
- 10.154. The results tables suggest that the windows analysed light 15 rooms, all of which would also meet the daylight distribution guidelines. Loss of daylight is assessed as negligible. The development is to the north of Llandovery House and would therefore not impact sunlight provision.
- 10.155. With the cumulative scenario, none of the 20 windows analysed would meet the BRE guidelines for vertical sky component. All rooms would meet the guidelines for daylight distribution. The cumulative impact is assessed as minor. There would be no cumulative impact on sunlight provision.

### Loss of sunlight to courtyard at Meridian Place

- 10.156. The assessment has calculated the hours of sunlight received across the area of the existing courtyard amenity area at Meridian Place.
- 10.157. The BRE guidelines for existing amenity areas recommend that at least two hours of sunlight on 21st March should be received over at least half of the

area of the space. If the area that can receive two or more hours of sunlight on 21st of March is reduced to less than half with the proposed development in place and also less than 0.8 times the value before, then the loss of sunlight is likely to be noticeable.

- 10.158. The values presented show that currently the amenity space can receive two or more hours over 55.08% of its area. With the proposed development in place 49.17% of the space would be able to receive two or more hours of sunlight on 21st March.
- 10.159. In the cumulative scenario prior to the Skylines submission, 30% of the area would benefit from 2 hours of sunlight on 21<sup>st</sup> March. With the Skylines submission in place, this reduces to 0%. This results in a major adverse impact, however, the impacts are predominantly due to surrounding schemes within the cumulative scenario and is typical within the urban environment.

#### Potential impact to the Madison development (Meridian Gate)

- 10.160. The Madison development is directly to the west of the proposed development. Most facades of the building would not have a direct view of the proposed development and therefore would not expect to be significantly impacted by it.
- 10.161. Chapter 16 of the Environmental Statement dealing with cumulative impacts (with associated Appendix 16.6) discusses the impact to daylight at windows to The Madison development.
- 10.162. Vertical sky component “plots” are presented in Appendix 16.6 representing values of vertical sky component on the façade with and without the proposed development and a percentage difference between the two. The figures indicate none of the facades would be significantly impacted by the proposed development.
- 10.163. The Madison includes an amenity area that would adjoin the proposed ground floor open space. The cumulative results show that 98% of the area would be able to receive two or more hours of sunlight on 21st March and thus the BRE guidelines would be met.

#### Potential Impact to Skylines

- 10.164. The applicant provided additional daylight/ sunlight information following the submission of the Skylines application. The accompanying letter sets out why the effect can be considered to be negligible. An independent consultant reviewed this on behalf of the council and responded with the following.
- 10.165. For daylight, the applicant has undertaken a VSC analysis across the façades of Skyline Block C and then, from that carried out average daylight factor calculations for the second floor, which will be the lowest residential floors. The relationship between Skyline Block C and 225 Marsh Wall is that they are diagonally across from each other on plan and therefore the 225 Marsh Wall tower will only materially affect the north east corner of Skyline Block C. The Marsh Wall development will result in a lower level of VSC to windows in that north east corner, than would be the case if Skyline were built without 225 Marsh Wall in place with VSC levels on lower floors reducing to around 11% VSC. However, the rooms in this corner of the building are all dual aspect and

therefore have the capacity to receive good levels of sky visibility from the north or east, from windows not directly affected by 225 Marsh Wall.

- 10.166. As Skylines has not yet been constructed, it is appropriate to consider the ADF results as it is more appropriate to identify whether the rooms in Skyline will be left with adequate levels of internal illuminance rather than set a standard based on a reduction of daylight which will be inappropriate for a room that does not currently enjoy daylight. The applicants letter therefore also includes the ADF results for the lowest level residential rooms in Skyline Block C and this shows that these will have ADF values of between 3.6% and 4.8%. The standards that should be achieved for ADF are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Therefore, the levels of ADF will be significantly above minimum recommended levels and will actually be well lit for an urban location.

### Conclusions

- 10.167. Overall, whilst there is some impact on surrounding properties, much of this is due to the design of existing surrounding buildings which have overhanging walkways or balconies. In the case of the cumulative scenarios, whilst there is impact, given the density of nearby consented schemes and the site locality in an urban area, the proposal is on balance acceptable.

### Privacy and Overlooking

- 10.168. Policies SP10 and DM25 in the Core Strategy (2010) and Managing Development Document (2013) respectively require developments that do not result in overlooking or loss of privacy. The supporting text makes reference to an 18m separation distance between habitable rooms.
- 10.169. The proposed building would benefit from very substantial separation distances from the nearest adjoining properties. The proposed residential tower would be sited some 40 m. from residential accommodation in Meridian Place and some 65 m. from the Madison development with satisfactory privacy. The site is approximately 20m from Meridian North to the north and the Skylines site to the south. As detailed under the 'Site Layout' heading of the report within the design section, the proposal is a satisfactory distance from the Skylines site to the south and from 227 to the east. On this basis, the proposal complies with the relevant policies.

### Micoclimate

- 10.170. A Wind Microclimate Assessment has been submitted as part of the Environmental Statement including wind tunnel results of the proposed scheme in the context of existing surrounding environment and a cumulative scenario. To ensure robustness, all tests have been carried out with the proposed mitigation measures in place. The results are presented in terms of the Lawson Comfort Criteria which identifies comfort categories suitable for different activities, as well as in terms of the likely occurrence of strong gusts of wind which could be a threat to safety.
- 10.171. Generally leisure walking is desired on pedestrian routes during the windiest season, standing/entrance conditions at main entrances and drop off areas throughout the year and sitting conditions at outdoor sitting and amenity areas

during the summer season when these areas are likely to be used the most often.

- 10.172. Following the submission of the Skylines scheme (as detailed within the 'Planning History' section of the report), the applicant has submitted additional wind tunnel testing taking in to account the Skylines scheme in the cumulative scenario. The assessment of the additional information will follow in an update report.

#### Light pollution

- 10.173. A condition has been included to require submission of full details of proposed lighting along with light spill drawings, in order to minimise any impact on the amenity of adjoining occupiers.

#### Noise

- 10.174. Appropriate conditions have been included to include any details of plant equipment and to control the noise levels from any subsequent plant. Conditions have also been included to control the opening hours should an A3 use be implemented within the flexible commercial unit. With the inclusion of the abovementioned conditions and given the small scale of the proposed flexible unit, the proposal would not result in any undue noise impacts.

#### Construction Impacts

- 10.175. The construction impacts of the proposal would be carefully controlled and minimised through suitable conditions such as the Construction Management Plan which would include working hours restrictions, measures to control dust, air pollution, noise pollution, vibration and which would, in general, aim to minimise the impact on the nearby residential and commercial occupiers. Compliance with the Council's Code of Construction Practice and the Considerate Constructors Scheme is to be secured through a planning obligation.

#### Air Quality

- 10.176. An Air Quality Assessment has been submitted as part of the Environmental Statement. The Environmental Health Air Quality Officer has confirmed that air quality neutral requirements would be met and that there would be no significant impacts arising from the operation of the energy centre or from traffic emissions.

#### Conclusion

- 10.177. Overall, the proposal would give rise to no unacceptable impacts on the amenity of the adjoining building occupiers. Appropriate conditions and a planning obligation have been included to mitigate any adverse impacts.

#### **Transportation and Highways**

- 10.178. The NPPF emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. The London Plan seeks to shape the pattern of

development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel.

- 10.179. Policy 6.3 of the London Plan and SP09 of the Core Strategy aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by policy DM20 of the Managing Development Document.
- 10.180. Policies 6.3 of the London Plan and DM22 of the Managing Development Document set standards for bicycle parking for staff and visitors while policies SP05 of the Core Strategy and DM14 of the Managing Development require provision of adequate waste and recycling storage facilities.
- 10.181. The application is accompanied by a Transport Assessment which forms part of the Environmental Statement.

#### Public transport

- 10.182. The site has a TfL Public Transport Accessibility Level PTAL4 'Good'. It is considered the proposed density is more suited to an area rated 'Excellent'.
- 10.183. The projected development would increase person trips that would affect the local public transport network, including buses, the DLR at South Quay and the interchange with the Jubilee Line and Crossrail at Canary Wharf. There is no suggestion that development on the Isle of Dogs should be restrained due to inadequate public transport capacity and the Elizabeth Line (Crossrail) is due to open shortly. The draft Isle of Dogs Opportunity Area Planning Framework recommends a future increase in the capacity of the DLR through Crossharbour. TfL raise no objection in principle and request financial contributions to improve bus capacity and Mayor's cycle hire scheme to mitigate the impacts of the development. A contribution to buses has been included within the draft section 106 but the council's Community Infrastructure (CIL) team have advised that the contribution to docking stations would be captured within CIL payments.

#### Car parking and access

- 10.184. Four wheelchair accessible parking spaces and two electric vehicle charging points are proposed. This is the maximum that is feasible on site given the size constraints on the site and the narrow surrounding roads. A planning condition is attached to ensure the applicant is required to deliver and maintain these spaces and equipment. A planning obligation would secure the development as car free to minimise any additional parking stress in the area.

#### Servicing

- 10.185. There are segregated servicing bays for car/ taxi drop offs, deliveries and refuse collection to the north of the site along Meridian Place. UK power network areas are accessed via a designated service road to the east of the site. A condition is recommended to request submission of a Delivery and Servicing Management Plan. Auto-tracking diagrams have been provided to demonstrate that the required movements can be carried out safely.

### Cycle Parking

- 10.186. There is provision for 724 cycle bicycles to be stored on site, which exceeds the London Plan standards. Storage for 182 cycles is located in the basement, 12 of which are provided for the A1/A3/D1 uses at ground and first floor. Storage for 108 cycles are provided for the affordable residential units and are accessed via a dedicated cycle entrance on the north east corner of the building. On each typical private residential level, bicycle storage for up to four bikes per unit is located within personal lockable storage cupboards accessible from the communal lift lobby. However, two bikes has been assumed so that the remaining space can be used for other storage items. Due to the lift overrun arrangement, apartments on level 12 will have access to basement cycle storage (as opposed to the lockers on each floor level).
- 10.187. A condition would require submission of full details of the proposed cycle storage arrangements including measures to ensure ease of use and accessibility.

### Walking

- 10.188. The proposed public realm works would improve the quality of the pedestrian environment adjoining the application site.

### Waste storage

- 10.189. Each residential level has access to the refuse chute, which is located well within the 30m travel distance required between the front door and the waste room. The proposed chute system will consist of a single 600mm diameter stainless chute that incorporates a 'tri-separator' system within the refuse room. The tri-separator will allow general waste, mixed recyclables and food to be collected separately as required by the Council's waste department. The chute will discharge at ground floor level into the main waste store, where the segregated waste will be stored in the containers.
- 10.190. The management of the main waste store will be the responsibility of the on-site facilities management team who will ensure Eurobins containing waste and mixed recyclables are separated in separate stores and will also be responsible for cleaning the bins. A separate store for bulky waste will be provided on site. A detailed waste management strategy would be secured by condition.

The council's waste team initially objected to the twice weekly collection. However, it is accepted that the approach has changed from when the scheme initially came in at pre-application stage and given that the applicant was previously advised that twice weekly collection would be acceptable, it would not be reasonable at this stage to require additional space that would have implications on viability and/ or the amount of ground floor active frontage. As such, with the inclusion of conditions, the proposal complies on balance with the relevant policies.

### Trip generation

- 10.191. Neither Transport for London nor the Council's highways department have raised objections to the resulting trip generation. However, Transport for London have required a contribution towards bus services (£100,000) and

cycle docking stations (£35,000) to account for the additional users. The buses contributed would be secured by through the section 106 legal agreement. However, the council's Community Infrastructure (CIL) team have advised that the contribution to docking stations would be captured within CIL payments. TfL also requested that CIL monies should be put towards a pedestrian bridge at South Quay. This request is noted but this is not a request within planning remit that the planning committee can decide upon.

### Conclusion

- 10.192. Overall, subject to conditions and the planning obligations, the proposal would not give rise to any unacceptable highway, transportation or servicing impacts. It is noted that neither the Council's Highways & Transportation Officer nor TfL raise an objection to the proposal.

### **Sustainability and Energy Efficiency**

- 10.193. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The climate change policies as set out in Chapter 5 of the London Plan, policy SP11 of the Core Strategy and the Managing Development Document policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 10.194. The submitted proposals have followed the energy hierarchy of be lean, be clean & be green and seek to minimise CO<sub>2</sub> emissions through the implementation of energy efficiency measures and use of a centralised energy system (CHP). The CO<sub>2</sub> emission reductions are anticipated to be at 23% against the Building Regulations 2013, short of the 45% policy target.
- 10.195. In accordance with policy requirements, the applicant has agreed to the full financial contribution to the Council's carbon offsetting programme to achieve a total reduction of 45% (£203,040)- this is acceptable given that the potential for renewable energy technologies is limited due to the limited roof area and the desire to provide residential terraces.
- 10.196. The Barkantine energy centre is currently undertaking an expansion strategy and a challenge is the timing between the delivery of the new network and the completion of new developments. Given the uncertainty of timeframes for the district heat network expansion and the 225 Marsh Wall development it would be appropriate to re-evaluate the connection potential post any planning permission. As such, the requirement to test for the feasibility and if possible install a connection to the Barkantine heating network will be secured by condition.
- 10.197. Conditions have also been included to ensure compliance with the proposed energy efficiency and sustainability strategies.
- 10.198. Overall, subject to conditions and the carbon off-setting planning obligation, the proposal would accord with the relevant policies and guidance.

## **Flood Risk and sustainable urban drainage**

### Flood risk

- 10.199. 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. This is reflected in London Plan Policy 5.12 'Flood Risk Management' and Tower Hamlets Core Strategy Policy SP04 (5) within 'Creating a Green and Blue Grid'.
- 10.200. The Environment Agency's Flood Map shows that the site is 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 mean the site is within a low risk area but at risk if there was to be a breach or the defences overtopped.
- 10.201. The Environment Agency's most recent breach hazard modelling study shows the site to be outside of the areas impacted by flooding were the defences breached. The site is therefore at a low risk of flooding.
- 10.202. Residential is a 'More Vulnerable' land use and the Environment Agency advises that the proposed use is appropriate providing the site passes the Flood Risk Sequential Test, the Council being satisfied that there are no alternative sites available for the development at a lower risk of flooding. A site specific Flood Risk Assessment (FRA) should be undertaken which 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.
- 10.203. NPPF Paragraph 102 explains that for development to be permitted both elements of the Exception Test must be passed:
- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
  - A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 10.204. Marsh Wall East (including 225 Marsh Wall) is allocated in the Tower Hamlets Local Plan for a strategic comprehensive mixed-use development and has passed the Tower Hamlets Sequential Test within the Borough's Level 2 Strategic Flood Risk Assessment 2011.
- 10.205. A site specific FRA has also been submitted with the application as part of the ES. In line with the Tower Hamlets Strategic Flood Risk Assessment, the development would provide wider sustainability benefits to the community, namely the provision of housing that outweigh the flood risk. The proposed layout, with residential on the upper floors, means that residents would have safe refuge. The site is already developed and would not increase the risk of

flooding elsewhere. It is therefore considered that the proposal passes the Exception Test.

#### Sustainable urban drainage (SUDS)

- 10.206. The London Plan provides policies regarding flood risk and drainage. Policy 5.11 “Green roofs and development site environs” requires major development proposals 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 and manage surface water run-off in line with the following hierarchy:
- 1 Store rainwater for later use
  - 2 Use infiltration techniques, such as porous surfaces in non-clay areas
  - 3 Attenuate rainwater in ponds or open water features for gradual release
  - 4 Attenuate rainwater by storing in tanks or sealed water features for gradual release
  - 5 Discharge rainwater direct to a watercourse
  - 6 Discharge rainwater to a surface water sewer/drain
  - 7 Discharge rainwater to the combined sewer.
- 10.207. Core Strategy SP04 5. within ‘Creating a green and blue grid’ requires development to reduce the risk and impact of flooding through, inter alia, requiring all new development to aim to increase the amount of permeable surfaces, including SUDS, to improve drainage and reduce surface water run-off. MDD Policy DM13 ‘Sustainable drainage’ requires development to show how it reduces run off through appropriate water reuse and SUDS techniques.
- 10.208. The submitted Outline Drainage Management Plan aims to achieve a 50% reduction in surface water discharge, by the use of permeable surfaces and attenuation tanks. The details of the measures to achieve this will be secured by condition.
- 10.209. A condition is also attached to secure sustainable measures that provide source control and other benefits, such as permeable paving, rainwater harvesting systems or grey water recycling to improve the sustainability of the site as per the appraisal of drainage techniques presented in the strategy.
- 10.210. The applicant proposes to restrict runoff rates to 50% of the existing rate for the 1 in 100 year event including climate change. This is in compliance with the minimum standards of the London plan and will be achieved by including 113m<sup>3</sup> of storage. The details of the storage will be secured via condition.
- 10.211. Details of key drainage components and details of ongoing maintenance of drainage will be secured by condition. Finally, a condition is added requesting evaluation of safe and appropriate flow routes from blockage and exceedance of the drainage system to avoid flood risk.
- 10.212. With the inclusion of the abovementioned conditions, the scheme would benefit from a good drainage system and would not result in any additional flood risk. On this basis, the proposal complies with the relevant policy.

## **Trees, ecology and Biodiversity**

- 10.213. Core Strategy 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. MDD Policy DM11 'Living buildings and biodiversity' requires developments to provide elements of a 'living buildings.' This is explained to mean living roofs, walls, terraces or other building greening techniques. MDD Policy DM11 also requires existing elements of biodiversity value to be retained or replaced by developments and requires developments to deliver net biodiversity gains in line with the Tower Hamlets Local Biodiversity Action Plan (LBAP).
- 10.214. The proposals include a sizeable area of soft landscaping, which will be a significant gain in vegetation. However, it is not clear that any of the proposed features would contribute to LBAP targets, as required by DM11. New tree planting will include native species such as silver birch and rowan, which will benefit biodiversity but not contribute to specific LBAP objectives. Extensive areas of tall grasses and herbaceous perennials are proposed. If the proportion and diversity of nectar-rich perennials is sufficiently high, this could contribute to a LBAP target to create more forage for bees and other pollinating insects. However, the illustrations in the Landscape Strategy suggest these areas will be mainly grasses, and the diversity of perennials will be low. If no biodiverse roof is possible, the detailed design of this grass/perennial planting could be key to meeting the requirements of DM11.
- 10.215. Policy DM11 also requires elements of a living building, such as green roofs. If there is an opportunity for biodiverse green roofs on parts of the roof this would be one way to contribute to LBAP targets and meet the living building requirement of DM11. Other opportunities to contribute to LBAP targets include incorporating nest boxes for swifts in the new building.
- 10.216. Conditions have been included requiring: details of bio-diverse roofs, landscaping details and details of bat boxes and nest boxes for appropriate bird species. With the inclusion of the abovementioned conditions, the proposal complies with the relevant policy.

## **Other**

### **Archaeology**

- 10.217. The site is located within an Archaeological Priority Area. The NPPF (Section 12) and London Plan Policy 7.8 'Heritage assets and archaeology' emphasise that the conservation of archaeological interest is a material consideration in the planning process. The NPPF requires applicants 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. MDD Policy DM27 'Heritage and the historic environment' requires development proposals located within Archaeological Priority areas to be supported by an Archaeological Evaluation Report.
- 10.218. Intrusive ground works during the demolition and construction works could disturb any archaeological heritage that has survived historical development. The Greater London Archaeological Advisory Service (GLAAS), has

requested a condition securing a targeted programme of archaeological investigation and evaluation that would determine a detailed mitigation strategy to be implemented in advance of intrusive ground works. A condition securing this arrangement has been added. With the inclusion of this condition, the proposal complies with the relevant policy.

#### Aviation

- 10.219. An Aviation Assessment has been submitted as part of the Environmental Statement. NATS and City Airport do not object to the proposals and the proposal would result in no unacceptable aviation impacts.

#### Land Contamination

- 10.220. A Ground Conditions report has been submitted as part of the Environmental Statement. At the request of the Environmental Health Contaminated Land Officer, a condition has been included to appropriately deal with the identified potential land contamination, to minimise risks to health and ecology.

#### Television and radio reception

- 10.221. The application is supported by Radio and Television Signal Interference Assessment that considers impacts during the Construction Phase and the Operational Impacts of the Completed Development.
- 10.222. The implementation of the identified mitigation measures will be secured by condition.

#### **Environmental Impact Assessment**

- 10.223. The planning application represents EIA development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (from this point referred to as the '2011 EIA Regulations'). The application was submitted in September 2016 accompanied by an Environmental Statement (ES) produced by Waterman Infrastructure & Environment Limited.
- 10.224. It is noted that since the application was submitted, new EIA Regulations have been published on 16th May 2017 - The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (from this point referred to as the '2017 EIA Regulations'). Regulation 76 of the 2017 EIA Regulations sets out the transitional provisions for the regulations. Regulation 76(1) specifically states The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) continue to apply where an ES has been submitted prior to the 2017 EIA Regulations coming into force. This application therefore continues to be processed under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).
- 10.225. The ES assesses the environmental effects of the development under the following topics:
- Demolition and Construction;
  - Socio-Economics;
  - Transportation and Access;

- Air Quality;
- Noise and Vibration;
- Archaeology (Buried Heritage Assets);
- Ground Conditions and Contamination;
- Water Resources and Flood Risk;
- Daylight, Sunlight, Overshadowing and Solar Glare;
- Wind; and
- Cumulative Effects.

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

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

10.228. LBTH's EIA consultants were commissioned to undertake an independent review of the ES, to confirm whether it satisfied the requirements of the EIA Regulations. The ES has also been reviewed by the Council's EIA Officer and internal environmental specialists.

10.229. The EIA consultants and EIA Officer have confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.

10.230. LBTH, as the relevant planning authority, has taken the 'environmental information' into consideration when determining the planning application. Mitigation measures will be secured through planning conditions and/or planning obligations where necessary.

**Impact upon local infrastructure / facilities**

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

10.232. 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.

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

10.234. Securing necessary planning contributions is further supported Core Strategy Policy SP13 'Planning obligations' which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development. This is explained in the Council's Draft Planning Obligations SPD that sets out the borough's key priorities:

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

10.235. The borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability

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

10.237. The development is predicted to have a population yield of 619 of which 87 would be aged between 0-15 and generate a demand for 54 school places. The development would also generate jobs once complete. Therefore, the development would place additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene. Should planning permission be granted, the LBTH CIL contribution is estimated at £6,379,000

10.238. In addition the development would be liable to the London Mayor's CIL estimated at £1,147,440. The development does not involve a net increase in commercial floorspace and would not attract the Mayor's Crossrail levy.

10.239. The applicant has also offered 25% affordable housing by habitable room with a tenure split of 66:34 of affordable rented (50% Tower Hamlets living rents and 50% London Affordable rents) and shared ownership housing, respectively. This offer has been independently viability tested and the information submitted is considered to be comprehensive and robust. The maximum level of affordable housing has been secured in accordance relevant development plan policy.

10.240. Should permission be granted, the developer would also be required to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a car parking permit-free agreement (other than for those eligible for the Permit Transfer Scheme) and 2 electric vehicle charging points. The developer would also be required to maintain public access to public open space and to maintain publically accessible routes to the dockside.

#### **Other Local finance considerations**

10.241. 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.

10.242. 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).

- 10.243. NHB was introduced by the Government in 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The NHB is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. The grant matches the additional council tax raised by the Council for each new house built for each of the six years after that house is built. This is irrespective of whether planning permission is granted by the Council, the Mayor of London, the Planning Inspectorate or the Secretary of State.
- 10.244. If planning permission is refused for the current application NHB would not be received but would be payable were the Mayor to grant permission or an alternative development involving new housing was consented should the NHB scheme remain in operation.
- 10.245. The proposal will also generate income from the DCLG’s New Homes Bonus.

#### **Human rights Act 1998**

- 10.246. 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.
- 10.247. Following statutory publicity, no objections have been raised on the ground that a grant of planning permission would result in any breach of rights under Article 8 of the European Convention on Human Rights and the Human Right Act 1998.

#### **Equalities Act 2010**

- 10.248. 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.

10.249. 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.

## **10 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 for the redevelopment of 225 Marsh Wall should be approved for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS and the details set out in the RECOMMENDATIONS at Section 3 of this report.