

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> April 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.5
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Simon Ryan		<b>Ref No:</b> PA/08/01989	
		<b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

<b>Location:</b>	The Innovation Centre, 225 Marsh Wall, London E14 9FW
<b>Existing Use:</b>	Office (Use Class B1)
<b>Proposal:</b>	Demolition of existing building and erection of a building of between 11 and 43 storeys in height, comprising of 302 residential units (Use Class C3), 18 serviced apartments (sui generis), office floorspace (Use Class B1), retail floorspace (Use Classes A1, A2, A3 and A4) and leisure uses (Use Class D2) together with a rooftop amenity area, plant and parking at basement level and associated landscaping
<b>Drawing Nos:</b>	<ul style="list-style-type: none"> <li>• Drawing nos. DPA-101 – 107, DPA-201 – 206, DPA-401 – 407, DPA-501 – 506</li> <li>• Planning Statement prepared by GVA Grimley</li> <li>• Design &amp; Access Statement prepared by Jacobs Webber</li> <li>• Environmental Statement Volume I prepared by URS</li> <li>• Environmental Statement Volume 2 (Townscape, Conservation and Visual Impact Assessment) prepared by URS/ Professor Robert Tavernor Consultancy/ Miller Hare</li> <li>• Environmental Statement Volume 3 (Technical Appendices)</li> <li>• Landscaping Strategy prepared by Capita Lovejoy</li> <li>• Energy Strategy prepared by Hoare Lea</li> <li>• Sustainability Strategy prepared by Hoare Lea</li> <li>• Transport Assessment and Travel Plan prepared by WSP</li> <li>• Statement of Community Involvement prepared by Indigo</li> <li>• Toolkit and Section 106 Viability Analysis prepared by GVA Grimley</li> <li>• Employment Supply Study prepared by GVA Grimley</li> </ul>
<b>Applicant:</b>	Angel House Developments Ltd
<b>Owner:</b>	Angel House Developments Ltd
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1
- The proposal is in line with the Mayor and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and policy HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
  - The building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme is in line with policies 4B.8, 4B.9 and 4B.10 of the London Plan 2008, saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies CP48, DEV1, DEV2, DEV3 DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007), which seek to ensure buildings are of a high quality design and suitably located.

- The proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with policies 3A.5, 3A.8, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007), which seek to ensure that new developments offer a range of housing choices.
- The scheme provides acceptable space standards and layout. As such, the scheme is in line with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to provide an acceptable standard of accommodation.
- The proposed amount of amenity space is acceptable and in line with policies HSG16 of the Council's Unitary Development Plan 1998 and policies HSG7 of the Council's Interim Planning Guidance (2007), which seek to improve amenity and liveability for residents.
- The development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance policies CP48 and CP50 of the Council's Interim Planning Guidance (2007) and policies 4B.1, 4B.8, 4B.9 and 4B.10 of the London Plan (2008) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998) which seeks to protect residential amenity
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 3C.1 and 3C.23 of the London Plan, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy and climate change adaptability are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable development practices.
- Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements and open space provision; transport infrastructure improvements; social and community facilities; employment & training; health care provision and access to employment for local people in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

A. The receipt of **AMENDED PLANS** showing the revised housing provision as described

in paragraph 8.25 below

**B. Any direction by The London Mayor**

**C. The prior completion of a legal agreement to secure the following planning obligations:**

Financial Contributions

- a) Provide **£407,249** towards education improvements
- b) Provide **£814,180** towards public realm improvements and open space provision
- c) Provide **£406,200** towards transport infrastructure, local pedestrian environment improvements and highways improvements, including the implementation of a pedestrian crossing on Marsh Wall
- d) Provide **£159,604** towards social & community facilities
- e) Provide **£70,676** towards employment & training, specifically access to employment and improvements to Idea Store and local library services
- f) Provide **£407,091** towards improving health within the Borough
- g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

(total s106 contribution of **£2,265,000**)

Non-Financial Contributions

- h) Affordable housing contribution of 35%
- i) Car-free agreement
- j) TV reception monitoring
- k) Code of Construction Practice - To mitigate against environmental impacts of construction
- l) Access to employment - To promote employment of local people during and post construction, including an employment and training strategy
- m) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

**Conditions**

- 1) Permission valid for 3 years
- 2) Hours of Construction (8.00am to 6.00pm Monday to Friday 9.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
- 3) Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
- 4) Submission of samples / details / full particulars of materials, glazing, landscaping & external lighting
- 5) Wheel cleaning facility during construction
- 6) Renewable energy measures to be implemented in accordance with the ES and Energy Strategy
- 7) Full details of plant, machinery, air conditioning and ventilation required, together with noise attenuation measures for both residential and commercial elements
- 8) Full details of sound insulation between the floors for leisure (Use Class D2) and other floors
- 9) Submission of details of delivery, access and storage of biomass
- 10) Submission of a Delivery and Service Plan (DSP)

- 11) Submission of a Construction Management Plan
- 12) Submission of full Travel Plan
- 13) Development to be carried out in accordance with Flood Risk Assessment
- 14) Submission of a contamination risk assessment
- 15) Submission of a contamination verification report
- 16) Details of secure cycle and bin storage
- 17) Details of shower and changing facilities for commercial units
- 18) Submission of remediation strategy if contamination not previously identified is found
- 19) No infiltration of surface water drainage into the ground is permitted
- 20) Piling or any other foundation designs using penetrative methods not permitted
- 21) Provision of shower and changing facilities for the commercial and retail elements
- 22) Submission of a drainage strategy
- 23) Submission of impact studies of the existing water supply infrastructure
- 24) Submission of details of sound/noise insulation and mitigation measures
- 25) Provision of ecological enhancement measures as detailed in Environmental Statement
- 26) Lifetimes Homes standards and 10% should be wheelchair accessible
- 27) Full details of energy efficiency and passive design measures confirming the carbon dioxide emissions reductions, full details of CHP system, PV panels, rainwater harvesting system and biomass boiler
- 28) Submission of BREEAM pre- and final assessment, and Code for Sustainable Homes pre- and final assessment
- 29) Schedule of highway works
- 30) Four disabled parking spaces to be provided
- 31) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

### **Informatives**

- 1) Section 106 agreement required
- 2) Section 278 highways agreement required
- 3) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows
- 4) Changes to the current licensing exemption on dewatering
- 5) Contact London City Airport regarding cranes and scaffolding
- 6) Contact LBTH Building Control
- 7) Contact LBTH Environmental Health
- 8) Contact Environment Agency
- 9) Section 61 Agreement (Control of Pollution Act 1974) required
- 10) Contact London Fire & Emergency Planning Authority
- 11) Advert consent required for all signage
- 12) Contact Natural England regarding specifications for ecological enhancements
- 13) Notify HSE of any work on asbestos
- 14) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

- 3.3 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

## **4. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The application proposes the demolition of the existing four-storey office building and the erection of a part 43, part 11 storey building comprising of 302 residential units, 18 serviced apartments, office floorspace (1,011 sq.m) retail floorspace (299 sq.m) and leisure uses in the form of a communal gym. The proposal also includes a rooftop amenity area at 11<sup>th</sup> floor

level, a triple height basement to house plant and parking at basement level and associated landscaping.

- 4.2 The 302 residential units are between one and five-bedrooms in size, 35% of which are proposed to be allocated as affordable housing (based on habitable rooms).
- 4.3 The retail space is proposed to be located at ground level fronting Marsh Wall, with the office floorspace at ground and first floor level. The residential units and service apartments are located at second floor upwards.
- 4.4 The proposal includes a total of 40 car parking spaces, 3 disabled parking spaces and 347 cycle parking spaces at basement level.

### **Site and Surroundings**

- 4.5 The application site is a rectangular site of approximately 0.28 hectares in area, presently occupied by a four storey office building with a number of parking spaces to the rear.
- 4.6 The site is bounded to the south by Marsh Wall, to the west by Lord Armoury Way (an access road serving the numerous surrounding commercial buildings) and to the north and east by commercial buildings. Beyond Marsh Wall to the south lies the Skylines industrial estate. The nearest residential buildings are Meridian Place and Antilles Bay, 37m to the northwest and 67m to the northeast respectively.

### **Relevant Planning History**

- 4.7 The following planning decisions are relevant to the application:

PA/00/01379 Planning permission was granted in October 2000 for the removal of the existing side access stairs to the main entrance and provision of a new central staircase

## **5. POLICY FRAMEWORK**

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

### **Unitary Development Plan 1998 (as saved September 2007)**

Proposals:		Central Activities Zone
		Flood Protection Area
		Within 200m of East West Crossrail
Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV46	Protection of Waterway Corridors
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV69	Efficient Use of Water
	EMP1	Promoting economic growth and employment opportunities

EMP3	Change of use of office floorspace
EMP5	Compatibility with Existing Industrial Uses
EMP6	Employing local People
EMP8	Encouraging Small Business Growth
EMP10	Development Elsewhere in the Borough
EMP12	Business Uses in Industrial Employment Areas
EMP13	Residential Development in Industrial Employment Areas
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG 14	Provision for Special Needs
HSG15	Development Affecting Residential Amenity
HSG16	Housing Amenity Space
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S10	Requirements for New Shop front Proposals
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

### **Interim Planning Guidance for the purposes of Development Control**

Proposals: Development Site ID46 (Residential, Employment, Public Open Space, Retail and Leisure)  
Flood Risk Zone 2 and 3

Core Strategies:	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP9	Employment Space for Small Businesses
	CP11	Sites in Employment Use
	CP15	Provision of a Range of Shops and Services
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP24	Special Needs and Specialist Housing
	CP25	Housing and Amenity Space
	CP28	Healthy Living
	CP29	Improving Education Skills
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation

	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
	EE1	Industrial Land Adjoining Industrial Land
	EE2	Redevelopment/Change of Use of Employment Sites
	RT3	Shopping Provision Outside of Town Centres
	RT4	Shopping Provision Outside of Town Centres
	HSG1	Determining Housing Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG4	Ratio of Social Rent to Intermediate Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
	CON5	Protection and Management of Important Views
<b>AAP Policies:</b>	IOD1	Spatial Strategy
	IOD2	Transport and Movement
	IOD3	Health Provision
	IOD4	Education Provision
	IOD5	Public Open Space
	IOD6	Water Space
	IOD7	Flooding
	IOD8	Infrastructure Capacity
	IOD18	Employment Uses in the Central Sub-Area
	IOD19	Residential Uses in the Central Sub-Area
	IOD20	Retail and Leisure Uses in the Central Sub-Area
	IOD21	Design and Built Form in the Central Sub-Area
	IOD22	Site Allocations in the Central Sub-Area

### **Supplementary Planning Guidance/Documents**

Residential Space Standards

### **Spatial Development Strategy for Greater London (London Plan)**

	2A.1	Sustainability Criteria
	2A.7	Areas for Regeneration
	2A.9	The suburbs: Supporting Sustainable Communities
	3A.1	Increasing London's Supply of Housing
	3A.2	Borough Housing Targets
	3A.5	Housing Choice
	3A.7	Large Residential Developments
	3A.9	Affordable Housing Targets
	3A.10	Negotiating Affordable Housing in Individual Private Residential and Mixed use Schemes

3A.17	Addressing the Needs of London's Diverse Population
3A.18	Protection and Enhancement of Social Infrastructure and Community Facilities
3A.20	Health Objectives
3A.23	Health Impacts
3A.24	Education Facilities
3A.23	Community Strategies
3A.24	Meeting Floor Targets
3A.28	Social and Economic Impact Assessments
3B.1	Developing London's Economy
3B.2	Office Demand and Supply
3B.3	Mixed Use Development
3C.1	Integrating Transport and Development
3C.2	Matching Development with Transport Capacity
3C.23	Parking Strategy
3D.11	Open Space Provision in DPDs
3D.14	Biodiversity and Nature Conservation
4A.22	Spatial Policies for Waste Management
4A.7	Renewable Energy
4A.4	Energy Assessment
4A.3	Maximising the Potential of Sites
4A.16	Water Supplies and Resources
4A.17	Water Quality
4A.18	Water and Sewerage Infrastructure
4A.20	Reducing Noise and Enhancing Soundscapes
4A.33	Bringing Contaminated Land into Beneficial Use
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4A.3	Sustainable Design and Construction
4B.9	Tall Buildings – Location
4B.10	Large Scale Buildings – Design and Impact
5C.1	The Strategic Priorities for North East London

#### **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG 4	Industrial, Commercial Development and Small Firms
PPG9	Nature Conservation
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Flood Risk

**Community Plan** The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity

## **6. CONSULTATION RESPONSE**

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

### **LBTH Environmental Health**



### Health & Environment

- 6.3 No objections, subject to dust monitoring, a risk assessment and traffic management plan during demolition and construction to be conducted. A s106 contribution of £10,000 is also requested for the installation of automatic traffic data collection equipment, to aid in the [understanding of the traffic impacts of the development and traffic flows in the vicinity](#). Carbon management would also be monitored.

OFFICER COMMENT: Such matters will be required within the Construction Management Plan, a condition for which is recommended above within paragraph 3.3. A contribution of £10,000 towards traffic data collection is sought within the s106 agreement, as detailed at paragraph 3.1, above.

### Noise & Vibration

- 6.4 No objections in principle, subject to conditions requiring details of sound insulation and noise reduction measures, manufacturers' data sheets and proposed noise attenuation measures for all plant, mechanical ventilation or air conditioning plant.

OFFICER COMMENT: Conditions have been attached accordingly, as detailed above within paragraph 3.3

### Land Contamination

- 6.5 The proposal is likely to result in the excavation of a large amount of contamination. As such, a condition requiring further contamination investigation and mitigation works should be attached.

OFFICER COMMENT: As detailed above within paragraph 3.3, a condition requiring a site investigation has been added.

### Daylight, Sunlight and Microclimate

- 6.6 The proposal has minimal daylight and sunlight impacts upon the residential developments at Antilles Bay and Meridian Place. In terms of overshadowing, the transient overshadowing created by the tower element of the scheme upon the roof terrace may show minor adverse effects. The contents of the wind assessment are acceptable.

### **LBTH Highways**

- 6.7
- The site has a PTAL rating of 4 therefore having a moderate level of access to local public transport links
  - The proposed level of parking provision (40 spaces) would be significantly lower than the maximum standard and is therefore acceptable
  - The proposal includes 3 disabled parking spaces, which falls short of the IPG standard of 10% of all parking spaces. As such, one additional space should be provided
  - A Car-Free Agreement is recommended
  - The pedestrian and vehicular access arrangements to the site are acceptable
  - The location and design of refuse storage are acceptable
  - Servicing arrangements are proposed to be via Lord Armoury Way, which is acceptable
  - Cycle parking provision (347 spaces including 10 for visitors) exceeds IPG requirements and is therefore acceptable
  - The applicant should ensure that the cycle storage area is secure
  - With regard to the submitted Transport Assessment, the methods of assessment are

acceptable. The proposed increase in development traffic would not have a detrimental effect on the existing highway network or traffic movements within the area

- With regard to the Construction Travel Plan, the increase in the number of construction vehicles would be negated by the use of appropriate construction site management measures. The applicant should submit a construction travel plan
- The proposed increase in passenger trips for buses, DLR and Underground are within the respective capacities
- Section 106 contributions should be secured for the following:
  1. The implementation of a raised pedestrian crossing on Marsh Wall (£40,000)
  2. Street lighting improvements (£40,000)
  3. Carriageway improvements (£40,000)
  4. Contribution to signal junction improvements on Marsh Wall/Limeharbour (£75,000)
- A Section 278 Highway Agreement is required
- A full travel plan is to be submitted for approval prior to the occupation of the proposed development

OFFICER COMMENT: A car-free agreement and the requested contributions have been included in the Section 106 Agreement, as detailed above at paragraph 3.1. An additional disabled parking space, a Construction Management Plan and full Travel Plan have all been secured by way of conditions, as detailed at paragraph 3.3, above. An informative has been attached informing of the required s278 Highway Agreement.

### **LBTH Children's Services**

- 6.8 The proposed dwelling mix has been assessed for the impact on the provision of primary school places. The mix is assessed as requiring a contribution towards the provision of 33 additional primary school places, at a cost of £12,342 each. As such a contribution of £407,286 is sought. This funding will be pooled with other resources to support LBTH's programme for the provision of additional school places to meet demand.

OFFICER COMMENT: An education contribution of £407,286 is sought within the s106 agreement, as detailed at paragraph 3.1, above.

### **LBTH Access to Employment**

- 6.9 A contribution of £1 per sq.ft of commercial floorspace is sought towards employment and training and initiatives.

OFFICER COMMENT: An employment and training contribution of £14,100 (14,100 x £1) is sought within the s106 agreement, as detailed at paragraph 3.1, above.

### **LBTH Building Control**

- 6.10 No comments received.

### **LBTH Cultural Services**

- 6.11 The following financial contributions are sought to mitigate the impacts of the proposal, in priority order:
- Leisure facilities - £159,604
  - Libraries and Idea Store facilities - £56,576
  - Open Space - £1,628,380

OFFICER COMMENT: The requested contributions towards leisure facilities and

libraries/Idea Store facilities are sought within the s106 agreement, as detailed at paragraph 3.1, above. In light of the total s106 package sum of £2,265,000 (based upon a contribution of £7,500 per unit) it is not possible to provide the full contribution towards open space. As such, in order to allow contributions towards higher priorities such as leisure facilities and libraries, a lower contribution of £889,180 towards open space is sought.

### **LBTH Energy Efficiency**

#### 6.12 Energy

Although the renewable energy contribution falls short of the 20% requirement, the potential of the low and zero carbon technology has been maximised for this development and the proposed energy strategy is therefore acceptable. The energy strategy will require revision for the detailed design stage and therefore a condition requiring the submission of details of all energy efficiency and passive design measures confirming the carbon dioxide reductions, together with details of the PV panels and biomass boiler.

#### Sustainability

The submitted sustainability strategy addresses most sustainability and sustainable design and construction issues. A condition should be added which requires the submission of a BREEAM assessment for the commercial element of the development and a Code for Sustainable Homes assessment.

OFFICER COMMENT: Conditions requiring the above have been attached, as detailed at paragraph 3.3 above.

### **LBTH Landscaping**

6.13 No comments received.

### **LBTH Waste Policy and Development**

6.14 No comments received.

### **Tower Hamlets Primary Care Trust (PCT)**

6.15 The TH PCT requested a total planning contribution, as calculated by the HUDU model, of £1,717,628 (Capital element £407,091 and Revenue element £1,310,537)

OFFICER COMMENT: In line with established practice, the developer has agreed a Capital Planning Contribution of £407,091. See section 8 of this report for discussion of s106 contributions

### **British Waterways (Statutory Consultee)**

6.16 No objections.

### **English Heritage (Statutory Consultee)**

6.17 No objections raised.

### **Environment Agency (Statutory Consultee)**

6.18 No objections, subject to the imposition of the following conditions:

- Development to accord with Flood Risk Assessment
- Land contamination investigation and assessment required
- Verification report for remediation required
- Amendment to remediation strategy, to address instances where new contaminants

- are found during works
- No infiltration of groundwater without approval
- Method of piling and foundations required

OFFICER COMMENT: The above conditions are recommended, as detailed within paragraph 3.3 of this report.

### **Government Office for London (Statutory Consultee)**

6.19 No comments received.

### **Greater London Authority (GLA) (Statutory Consultee)**

- 6.20
- The principle of a mixed-use redevelopment of the site is supported
  - The proposed affordable housing level of 25% is unacceptable. Evidence of consideration of grant funding is required in order to assess whether the proposal represents the maximum reasonable level of affordable housing achievable [OFFICER COMMENT: As detailed below within paragraph 8.25, an affordable housing contribution of 35% has now been agreed with the applicant]
  - The proposed affordable housing ratio split of 80% social rented units and 20% intermediate units is considered to be acceptable
  - The proposed unit mix falls short of the suggested mix in the Mayor's Housing SPG and no justification is provided [OFFICER COMMENT: As detailed below within paragraph 8.25, the proposed unit mix now satisfies IPG standards]
  - The proposed residential density of 2,779 habitable rooms per hectare exceeds the London Plan guidance of 650-1,100 HR/ha, however is justified in this instance as the scheme is not out of context with the surrounding development and the site's location, subject to the resolution of design and open space issues
  - The proposal provides high quality amenity space. Further details of the amount of designated child play space should be provided before the application is referred back to the Mayor [OFFICER COMMENT: The applicant has since responded to this issue and provided further details as to how the proposed flexible amenity space operates]
  - The proposal would form an interesting addition to the cluster of tall buildings at Canary Wharf and would not interfere with any Strategic Views
  - The scheme would have a marginal effect on the setting of the Greenwich World Heritage Site and the setting of its listed buildings
  - If planning permission is granted, the exact type of glazing and use of colour should be condition by the local planning authority
  - The proposal offers little in the way of public realm. The applicant must look at providing additional amenity space both within and adjacent to the building and show how this is integrated with existing landscaping [OFFICER COMMENT: The applicant has since responded to this and details that 13% of the site area (265sq.m) is proposed to be a public square. Furthermore, a s106 contribution of £814,180 towards public realm improvements and open space provision is sought in order to mitigate the impact of the development]
  - The scheme provides a sufficient quantity of wheelchair accessible homes and serviced apartments
  - The proposal falls short of the 20% renewable energy target as set out in Policy 4A.7 of the London Plan. However, there is no room for the use of renewable technologies other than the ones proposed by the applicant. Further details should be supplied [OFFICER COMMENT: Conditions have been recommended requiring full details of renewable energy efficiency and passive design measures]
  - Further details of the proposed rainwater harvesting system should be submitted [OFFICER COMMENT: Conditions have been recommended requiring full details]
  - LDA comments: Support the principle of the proposed development and consider the

net loss of employment space on the site to be justified. Consideration should be given to ways of creating training and employment opportunities and support to small and medium sized enterprises and local businesses; community facilities and social infrastructure needs to be assessed, including childcare and healthcare facilities.

- TfL comments: See below
- Conclusions: Affordable housing (non-compliant); Unit mix (non-compliant); Density (compliant); Children' plan space (requires clarification); Urban design (non-compliant); Access (compliant); Climate change mitigation (acceptable in broad terms subject to further information); Climate change adaptation (compliant subject to further information); Transport (non-compliant).
- Recommendations: (1) Affordable Housing – establish whether grant funding is available; (2) Urban design – the mix of unit sizes, their aspect, the provision of amenity space within and adjacent to the building and how the building meets the ground floor and relates to its neighbours needs to be addressed; (3) Children's play space – further clarification; (4) Climate change mitigation and adaptation – further clarification; (5) Transport – s106 contribution, revised trip generation assessment, shower and changing facilities, submit a delivery service plan and construction logistics plan and further develop the travel plan [OFFICER COMMENT: With regard to recommendations 1-4, see above. With regard to recommendation 5, conditions have been recommended to secure these]

OFFICER COMMENT: See Section 8 for further discussion of the above matters.

#### **London City Airport (Statutory Consultee)**

6.21 No comments received.

#### **London Fire and Emergency Planning Authority (Statutory Consultee)**

6.22 No objections raised.

#### **London Underground Ltd (Statutory Consultee)**

6.23 No objections raised.

#### **National Air Traffic Services Ltd (NATS) (Statutory Consultee)**

6.24 No objections raised.

#### **Natural England (Statutory Consultee)**

6.25 Natural England are encouraged that their suggested biodiversity and ecology measures have been incorporated into the scheme.

OFFICER COMMENT: Conditions have been recommended to secure the ecological enhancement measures.

#### **Transport for London (TfL) (Statutory Consultee)**

- 6.26
- More trip generation surveys required
  - Section 106 contributions requested to maintain and upgrade the nearby strategic walk network; £600 per residential unit to improve the local bus service; contribution towards improving the streetscape towards the DLR station
  - Level of car parking is supported. A reduction would be welcomed
  - Car-free agreement recommended and 10% of parking spaces reserved for disabled use
  - A controlled pedestrian crossing to be provided across Marsh Wall

- Provision of DAISY (Docklands Arrival Information System) boards within the site
- Delivery and Service Plan to be submitted
- The submitted Travel Plan to be secured and monitored through the s106 process

OFFICER COMMENT: Conditions have been recommended which secure a Delivery and Service Plan and a full Travel Plan. A car free agreement, pedestrian crossing, DAISY boards and bus service contribution have been included within the s106 agreement. With regard to the trip generation surveys, please see paragraph 8.98.

#### **Commission for Architecture and the Built Environment (CABE)**

6.27 Declined to comment.

#### **British Broadcasting Corporation (BBC)**

6.28 No objections.

#### **Greenwich Maritime World Heritage Site**

6.29 No comments received.

#### **Association of Island Communities**

6.30 No comments received.

#### **London Wildlife Trust**

6.31 No comments received.

#### **Metropolitan Police**

6.32 The proposal details good surveillance, CCTV and lighting. No objections.

#### **EDF Energy**

6.33 No objections.

#### **Thames Water**

6.34 Thames Water have identified an inability of the existing waste water and water supply infrastructures to accommodate the needs of the proposal. As such, Thames Water have requested a number of conditions be attached to any planning permission, requiring the submission of impact study, and a drainage strategy is to be submitted and approved prior to the commencement of any development. A number of informatives are also recommended.

#### Officer Comment

Relevant conditions have been added in order to address Thames Water's concerns.

## **7. LOCAL REPRESENTATION**

7.1 A total of 360 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 9            Objecting: 8            Supporting: 0  
No of petitions received:    None

- 7.2 The Council received a total of nine individual representations regarding this application. However, due to unforeseen circumstances, one letter of representation cannot be accounted for. Despite attempts by Officers to contact the writer, a copy of the letter has not been located.
- 7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

#### Design

- Height of the building is overbearing and too close to adjacent buildings
- The design is unattractive, particularly the coloured glazing and the cantilevered top floors
- The proposal lacks architectural innovation
- The building will appear as an incongruous feature within Marsh Wall
- The density is too high for the size of the site
- The height of the building will obstruct television and radio reception

#### Amenity

- The height and width of the building will obstruct daylight and sunlight
- Cumulative impacts of demolition and construction of this and other developments within the vicinity, such as Wood Wharf, will include dust, noise and traffic
- The submitted Environmental Statement recognises noise disturbance during construction as a major adverse impact (OFFICER COMMENT: The ES states that construction noise and vibration, with mitigation, is expected to have a negligible impact and dust will have, with mitigation, a moderate impact)
- The proposal would result in pedestrian traffic within the Meridian Gardens development, to the detriment of the commercial and residential units

#### Transport

- Marsh Wall and Preston's Road are already at capacity in terms of traffic
- Heavy Goods Vehicles and construction traffic have already damaged road surfaces in the area and have left spoil, cement and fallout on the road surfaces and pavements and it will damage the roads surrounding the site. Responsibility is needed from developers to ensure all damage is repaired
- No parking provision for construction workers will be hard to police and will result in attempted parking in the private bays of adjacent developers
- There is insufficient parking provided to serve the development
- The figures in the Transport Assessment are unrealistic

#### Housing

- The proposal does not assist in helping the homeless or those who are about to lose their home (OFFICER COMMENT: The proposal provides 35% affordable housing, 80% of which is social rent. The Housing Association will manage the allocation of this housing)

#### Health

- Dust during demolition and construction will impact upon local resident's and worker's health, particularly those who suffer from hayfever and asthma

#### Sustainability

- The demolition of the existing building would be unsustainable and leave a large carbon footprint

7.4 The following issues were raised in representations, but they are not material to the determination of the application:

- The permanent mooring of a vessel (as granted by planning permission PA/08/01359) will impact upon the security along the dockside (OFFICER COMMENT: This issue was addressed within the aforementioned application and is not relevant to this proposal, which is not located on the dockside)
- The cumulative impact of the commercial development at Wood Wharf together with the permanent mooring of a vessel as detailed above and the Olympic Village, will impact upon the economic viability of any proposed units in Marsh Wall, which already has a number of unoccupied residential and commercial units (OFFICER COMMENT: This is an economic matter which is borne by the respective applicants. The appropriateness of land uses is discussed within section 8)
- Lord Armoury Way is not a public right of way, rather it is a private road to Meridian Gate and Meridian Place. Therefore any proposed improvements would not be possible (OFFICER COMMENT: Ownership issues are not a material planning consideration)
- The proposed development will lower the value of nearby properties (OFFICER COMMENT: This is not a material planning consideration)
- The proposed development will block views to Greenwich (OFFICER COMMENT: The loss of views is not a material planning consideration)

7.5 The following procedural issues were raised in representations, and are addressed below:

- The public consultation event held by the applicant prior to submission was selective and did not record a number of the visitor's criticisms of the proposal (OFFICER COMMENT: Whilst this is a non-material planning consideration and therefore a reason for refusal cannot be sustained on such grounds, it is noted for Members consideration)

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Employment
3. Housing
4. Design
5. Amenity
6. Transport
7. Sustainability
8. Section 106 Agreement

### **Land Use**

8.2 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.

8.3 In respect of national policy, PPS 1 'Creating Sustainable Development', it promotes the more efficient use of land with higher density, mixed-use schemes. It suggests using previously developed, vacant and underutilised sites to achieve national targets. The effective use of land and the range of incentives/interventions to facilitate this are also encouraged in PPS3 'Housing'.

8.4 In respect of regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria' also promotes the optimal use of land. Policy 2A.9 'The Suburbs: Supporting Sustainable Communities' refers to promoting change and enhancing of quality of life with higher-density, mixed-use development and by considering means of improving sustainability of land use. Policy 3B.1 'Developing London's Economy' seeks to support the



economy of London by promoting a range of premises of different types and sizes thereby encouraging mixed uses. Policy 3B.3 'Mixed Use Development' (90) mentions that mixed uses are also encouraged within the sub-regional development frameworks. Identifying capacity to accommodate new job and housing opportunities, through mixed-use development, is encouraged in Policy 5C.1 'The Strategic Priorities for North East London' of the London Plan.

- 8.5 Further in respect of Policy 5C.1, the priorities for the sub-region include, amongst other things, to ensure substantial expansion of population growth is accommodated in a sustainable way. The Mayor's North East London sub-region is a priority for development, regeneration and infrastructure improvement. It has many of the capitals largest development sites as well as a large number of areas suffering multiple deprivation. Nationally important change and regeneration is anticipated in this region. Improvements to transport infrastructure will facilitate employment growth and areas of deprivation will need to be addressed by development. The sub-region demands improvement, with a concerted effort by agencies to raise standards of education, health, services public facilities and training opportunities.
- 8.6 In addition, the London Plan indicates that the application site is located within the Isle of Dogs Opportunity Area. Policy 2A.5 'Opportunity Areas' states that planning frameworks should set out a sustainable development program that, amongst other things, will contribute to exceeding minimum guidelines for housing and delivering good design. The Isle of Dogs Opportunity Area is also identified in the London Plan as being capable of accommodating at least 10,000 additional dwellings and states that "*the conversion of surplus business capacity south of Canary Wharf could add to this, helping to meet London's strategic housing need and support a wider mix of services for residents, workers and nearby communities*" (paragraph 5.75).
- 8.7 In respect of local policy, the LBTH UDP 1998 identifies the site as falling within the Central Activities Zone. Strategic Policy ST12 seeks to encourage the availability of and accessibility to a range of recreational, cultural and leisure facilities within the central area zone. Policy CAZ1 states that a balance of central London core activities, of a scale and type that is compatible with London's role as a financial, commercial and tourist centre, will be encouraged (courts, government departments, embassies, commodity markets/ companies/ corporations, media, galleries/museums, cinemas/ stadia/ halls/ theatres, hotels and educational establishments).
- 8.8 Whilst the UDP makes no reference to residential development in the Central Area Zone, the Council's most up-to-date statement, the Interim Planning Guidance (IPG), does. In the IPG, the application site falls outside the Central Activity Zone. Although, it is designated as development site 'ID46' in the IPG (and the Isle of Dogs AAP), for a residential-led, mixed-use development, also comprising employment, public open space, retail and leisure.
- 8.9 Pursuant to CP19 'New Housing Provision' of the IPG, the Council will seek to address housing need by directing all required housing provision to brownfield sites that are appropriate. The only circumstances where this will not be supported are in instances where sites are identified for alternative uses including employment, open space, community/social facilities. The IPG states that population growth and housing delivery will continue to be a key driver of change in the Borough with the Isle of Dogs (as well sites specifically allocated for housing as is the case for the subject application) being identified as being one of the areas where the Council will seek to accommodate the majority of housing growth.
- 8.10 Policy CP 13 of IPG Core Strategy also supports large-scale hotels and serviced apartments in areas of high PTAL and in north and central areas of Isle of Dogs. As such, the proposed 18 serviced apartments are considered to be an appropriate land use in this

location.

- 8.11 A review of national, regional and local policy above indicates that there is a presumption in favour of considering residential development within a mixed use scheme on this site. This is explicit in the IPG and the London Plan. Although the UDP implies that land uses other than residential development take priority in the CAZ, there is an emphasis on seeking compatible uses rather than exclusion of any particular one.

### Density

- 8.12 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.13 The site has a public transport accessibility level (PTAL) of 4. For central sites with a PTAL range of 4, the IPG and London Plan seeks to provide a density of between 650 and 1,100 habitable rooms per hectare on the site. The proposed density would be 2,779 habitable rooms per hectare. In numerical terms, the proposed density would appear to be an overdevelopment of the site. However, the intent of the London Plan and Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity.
- 8.14 It should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Loss of outlook;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure.
- 8.15 Although the density is in excess of the range of the London Plan and IPG, it is considered acceptable for the following reasons which are analysed in depth later in the report:
- There are no significant impacts identified for neighbours, for example, overshadowing, microclimate (wind), loss of outlook, loss of privacy;
  - There are no significant impacts identified for future residents including noise and air quality as discussed later in section 8 under 'Amenity for future occupiers';
  - There are no symptoms of overdevelopment for example, poor design (see 'Design', insufficient floorspace for residential accommodation, inappropriate housing mix (See 'Housing');
  - The scheme is of high architectural quality (See 'Design');
  - Tall buildings are appropriate in this location (See 'Design');
  - The scheme has acceptable access to public transport (See 'Transport');
  - The GLA stated within their Stage 1 response that such a density is acceptable
  - Planning contributions for transport, health, education, social & community facilities and open space will be secured to mitigate the impact of the development and the subsequent increase in the local population (See 'S106 planning contributions')
- 8.16 In light of the above, the density is considered acceptable given that the proposal poses no significant impacts and is appropriate to the area context.

## Employment

- 8.17 The existing site contains a four storey office building with a total gross internal floorspace of 3,407sq.m. The application proposal contains 1,011sq.m of office floorspace (Use Class B1), together with 299sq.m of retail floorspace (Use Classes A1-A4), which represents a total loss of 2,097sq.m. of employment floorspace. The application details that the site presently employs 130 people on a full-time basis, whilst the proposal will reduce this to 88 people full time, a net loss of 42 jobs.
- 8.18 UDP policy EMP3 considers the change of use and redevelopment of outmoded or surplus office floorspace. The following factors are taken into account by the Council:
- The length of time that surplus office floorspace has been vacant;
  - The level of vacant floorspace and unimplemented planning permissions for office floorspace in the surrounding area;
  - Whether the development would involve the loss of premises built to a standard which provides adequate loading and servicing facilities for the full range of B1 uses
- 8.19 Policy EE2 of IPG Core Strategy states that proposals that seek to reduce employment floor space may only be considered where
- The applicant has shown that the site is unsuitable for continued employment use due to its location, accessibility, size and condition.
  - There is evidence that there is intensification of alternative employment uses on site
  - There is evidence that the possibility to reuses or redevelop the site for a similar or alternative business use, through active marketing, has been fully explored over a period of time or there is recent evidence that the site is suitable for ongoing employment use
- 8.20 The applicant has submitted a detailed Employment Supply Study, which details that just under half of the existing building is currently on the market with rents being quoted at £20 per sq.ft. The report details that the existing building accounts for 0.19% of the existing office space in the Docklands and this figure is set to reduce further as the office stock in the area continues to rise as developments complete. As such, the loss of floorspace proposed by the application is negligible.
- 8.21 The report also details that despite the cost savings of locating in a fringe location such as South Quay/Marsh Wall, the vacancy rate of 13.7% of existing stock, compared to 2% in Canary Wharf, is indicative of the low level of occupier demand for outdated space such as 225 Marsh Wall. The report goes on to state *“The loss of currently under-utilised employment space at Angel House would be off-set by the new employment in the mixed-use development... with the increasing size of the Docklands office market over the coming years there will also be more people employed in the area and a greater demand for local housing.”*
- 8.22 The London Development Agency consider that the net loss of 42 jobs is justified in light of the applicant’s employment supply study which adequately addresses viability issues of office supply in this location. The LDA also note that it is important that the creation of jobs resulting from commercial uses are maximised in a manner can benefit local residents and businesses in accordance with policy 3B.11 of the London Plan. As detailed above in section 3.1, the s106 agreement secures a commitment for the promotion of employment of local people during and post construction. This will be facilitated by the Council’s Skillsmatch and Local Labour and Construction service.
- 8.23 In light of the above, it is considered that the submitted Employment Supply Study adequately addresses viability issues of office supply in this location, and the loss of employment space is justified in accordance with policies EMP3 of the UDP 1998 and EE2 of IPG Core Strategy.

## **Housing**

### Affordable Housing, Family Housing and Amenity Space

- 8.24 The application as originally submitted proposed a contribution of 25% affordable housing, with an 80-20 split between social rent and shared ownership tenures. Whilst the level of affordable housing did not meet the minimum policy standard of 35%, the proposed levels of family housing within social rent and shared ownership met all Interim Planning Guidance (2007) policy targets, as did the proposed levels of amenity space and child play space.
- 8.25 Following negotiations, the applicant has submitted a statement (dated 18<sup>th</sup> March 2009), which confirms that a level of 35% affordable housing (by habitable room) is now proposed. The applicant also confirms that the tenure mix, family housing, amenity space and child play space would be increased pro-rata, and the will continue to meet IPG policy standards. As detailed above within paragraph 3.1, permission will not be granted until, amongst other things, revised plans and documents are received which reflect these changes.

### Floorspace Standards

- 8.26 Saved policy HSG13 'Conversions and Internal Space Standards for Residential Space' of the adopted UDP 1998 and Supplementary Planning Guidance 'Residential Space' (adopted 1998) set the minimum space standards for residential developments.

The proposed flats have total floor areas and individual room areas which comply with SPG requirements.

### Wheelchair Housing and Lifetime Homes

- 8.27 Policy HSG9 'Accessible and Adaptable Homes' of the IPG requires housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or easily adaptable standard. A total of 10% of units are to be provided as wheelchair accessible, in accordance with this policy.

## **Design**

### Introduction

- 8.28 PPS1 promotes high quality and inclusive design, creating well-mixed and integrated developments, avoiding segregation, with well planned public spaces. The PPS recognises that good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development.
- 8.29 Policy 4B.1 of the London Plan 'Design Principles for a Compact City' requires schemes, inter alia, to create/enhance the public realm, respect local context/character and be attractive to look at.
- 8.30 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.31 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and

construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV3 of the IPG seeks to ensure inclusive design principles are incorporated into new development.

### Tall Buildings

- 8.32 Policy 4B.8 of the London Plan states that tall buildings will be promoted where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.9 of the London Plan (February 2008) provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design. Policy 4B.10 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations, including context, attractiveness and quality.
- 8.33 Policy DEV6 of the UDP specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference.
- 8.34 Policies CP1, CP48 and DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a wide range of criteria. These criteria are examined below.
- 8.35 Policy IOD21 of the Isle of Dogs Area Action Plan 'Design and built form in the Central sub-area' states that the area will contain a mix of building heights which do not compete with the cluster of tall buildings in the Northern sub-area (i.e. the Canary Wharf cluster). In general, building heights will be higher in the north of the sub-area and reduce in height towards the southern parts. Building heights of new development must consider and respond to the close proximity of established residential areas nearby.

### Analysis

- 8.36 The application proposes the erection of a part 43, part 11 storey building, with a maximum height of approximately 137m AOD. The upper three stories of the tower element are cantilevered and partially overhang the lower 11-storey element of the building.
- 8.37 In terms of Policy CP48 (Tall Buildings) of the LBTH Interim Planning Guidance, it states that the Council will, in principle, support the development of tall buildings in the northern part of the Isle of Dogs where they consolidate the existing tall building cluster at Canary Wharf. Part 3 of CP48 states:
- "3) All proposals for tall buildings must:*
- a) contribute positively to a high quality, attractive environment;*
  - b) respond sensitively to the surrounding local context;*
  - c) not create unacceptable impacts on the surrounding environment, including the surrounding amenity;*
  - d) contribute to the social and economic vitality of the surrounding area; and*
  - e) not create unacceptable impacts on social and physical infrastructure"*
- 8.38 In respect of 3a, the scheme is considered to contribute positively to a high quality and attractive environment for the following reasons:
- The application proposes a landmark building incorporating high quality external finishes, creative architectural treatments, including the rooftop amenity area and the cantilevered feature. All of this creates a very distinctive and unique architectural statement that will add to the variety of buildings in this evolving urban context
  - It proposes good internal floorspace as well as a range of open space options as

detailed under the 'Housing' chapter of this report;

- The scheme provides complimentary facilities to the residential use, including a gymnasium and swimming pool which will benefit future residents;
- The scheme provides for waste, recycling and cycle storage to serve future residents; and
- The proposal provides significant section 106 contributions to mitigate the impact of the development and fund, inter alia, public realm, open space, education, community and transport improvements

- 8.39 In respect of 3b the scheme responds sensitively to the local context in the following ways:
- The proposed scheme responds sensitively to the Canary Wharf tall building cluster, and continues the tapering heights from both north to south and west to east. It would therefore sit comfortably within the cluster when viewed from the south and east, particularly when taking into account the consented Wood Wharf development (outline) and the Millennium Quarter tall buildings
  - In terms of the recently extended Coldharbour Conservation Area, which lies approximately 132 metres to the east of the site, the submitted views analysis shows that the proposed building would not appear overbearing from within the Conservation Area, and would appear as a tall building in the distance in keeping with its existing setting of low rise, uniform buildings with a backdrop of a tall building cluster
  - In terms of ground floor treatment, the building is designed in such a way that it addresses the ground floor street frontages with a series of entrances, open pedestrian thoroughfares around the site with active retail and entrance lobby frontages and a public square and landscaping on Lord Amory Way, further opening access and views at street level to the dockside and Canary Wharf;
  - By opening up the views and access to Lord Amory Way and the dockside, pedestrian routes to transport nodes within the Canary Wharf cluster are improved;
  - Vehicular access is via Lord Amory Way, with visitor parking and the entrance to the basement parking discreetly located within the north elevation of the building;
  - The proposed design sets a good example of a residential tall building, with a distinct footprint, cantilevered western elevation over Lord Amory Way and a slender tower which adds distinctiveness to the townscape;
  - The metallic ribbon feature which traces the extent of the north and south elevations, together with the folding glass screens to the balconies will add to and compliment the existing diversity of architectural style in this location, whilst also presenting an interesting façade from all vantage points;
  - It does not fill in or detract from the tall building cluster of Canary Wharf; and
  - There are no adverse impacts upon any strategic views
- 8.40 In respect of 3c, the scheme does not pose any unacceptable impacts on neighbours including overshadowing, microclimate (wind), noise, privacy/overlooking or general disturbance impacts. This is discussed in detail later within this report, under the Amenity section.
- 8.41 In respect of 3d, the proposal contributes socially and economically to the surrounding area by providing housing of appropriate mix in terms of affordable and family housing, as well as satisfying amenity spaces standards, Lifetime Homes standards and providing for minimum 10% wheelchair accessible housing. The proposed building also provides satisfactory levels of accessible parking for people with a disability. All this contributes to the creation of a sustainable and diverse community in the local area. In addition to the economic benefits of nurturing a sustainable community, the scheme also provides serviced apartments, office floor space for small and medium sized enterprises and retail floorspace. In addition, the proposal is predicted to generate 89 jobs.
- 8.42 In respect of 3e, planning contributions towards transport infrastructure improvements,

education improvements, open space, public realm improvements, social and community facilities, employment and training and health will all be secured to ensure the impact on the locality is mitigated and benefits are borne.

8.43 Policy DEV27 Tall Buildings Assessment of the Interim Guidance states:

*“Applications for all tall buildings must satisfy the criteria listed below:*

#### *Design and Context*

- 1. Demonstrate the design is sensitive to the context of the site.*
- 2. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements.*
- 3. Where the site is outside a location identified for tall building clusters in CP48, demonstrate the consideration of built form design alternatives other than tall buildings.*
- 4. Demonstrate consideration of the appearance of the building as viewed from all angles, and its night-time appearance, as demonstrated through an Accurate Visual Representation.*
- 5. Not adversely impact on important views including strategic London-wide views and important local views, including their settings and backdrops, as demonstrated through an Accurate Visual Representation.*
- 6. Provide a positive contribution to the skyline, when perceived from all angles, assisting to consolidate clusters within the skyline, as demonstrated through an Accurate Visual Representation.*
- 7. Not adversely impact on Conservation Areas, Listed Buildings, historic assets, World Heritage Sites, scheduled monuments, areas of archaeological importance or potential, or their settings.*
- 8. Where residential uses are proposed, include high quality, useable communal and private amenity spaces.*
- 9. Achieve a very high standard of safety and security for occupants of the development and users of the immediate surrounding area.*
- 10. Be visually integrated into the streetscape and the surrounding area.*
- 11. Present a human scaled development at the street level.*
- 12. Respect the local character and seek to incorporate and reflect elements of local distinctiveness.*
- 13. Incorporate adaptable design measures.*

#### *Environment*

- 14. Demonstrate the privacy, amenity and access to sunlight and daylight for surrounding residents and building occupants will not be adversely affected by the development and that acceptable levels of privacy, amenity and sunlighting and daylighting conditions will be achieved for future occupants of the development.*
- 15. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.*
- 16. Demonstrate consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction, and resource management.*
- 17. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them.*
- 18. Achieve high internal and external noise standards, including the consideration of*

*appropriate mixes of uses and use locations within the development.*

#### *Socio-Economic Impacts*

- 19. Contribute positively to the social and economic vitality and of the surrounding area at the street level through its proposed mix of uses.*
- 20. Be acceptable in terms of its potential social impacts, and maximise positive social impacts, as demonstrated through a Social Impact Assessment.*

#### *Access and Transport*

- 21. Incorporate the principles of inclusive design.*
- 22. Be located in an area with good public transport access.*
- 23. Take into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.*
- 24. Respect, and, where possible, improve permeability with, the surrounding street network, and take into account impacts on the movement of people.*
- 25. Have good access to, or contribute to the provision of, high quality pedestrian and cyclist routes between the site and public transport, public open space, shops and social and community facilities.*
- 26. Provide publicly accessible areas within the building, including the ground floor, and where there are opportunities to provide viewing platforms, the top floor.*

#### *Additional Considerations*

- 27. Where residential uses are proposed, comply with the density requirements in policy HSG1.*
- 28. Conform to Civil Aviation requirements.*
- 29. Not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.*
- 30. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.”*

8.44 Points 1, 2, 8, 10, 12, 14, 15, 19, 20, 21, 24 and 26 have been addressed above, within the considerations of policy CP48 (Tall Buildings). With regard to criterion 3 (consideration of design alternatives), this was explored at the pre-application stage and is considered within the ‘design evolution’ section of the submitted design and access statement. A tall building is considered to be appropriate in this location and in context with the emerging character of this particular area of the Isle of Dogs.

8.45 Criterion 4 (views)

Together with the submitted elevational plans, Computer generated Images (CGIs) are detailed within the submitted Design and Access Statement and Townscape, Conservation and Visual Impact Assessment documents. These indicate consideration of the external appearance from all angles as well as its night-time appearance. These indicate that the proposed building is of a high standard of design and appearance.

8.46 Criteria 5 and 6 (consideration of views and impact on skyline)

Strategic London-wide views and the contribution made to the skyline of the Isle of Dogs have been analysed within the submitted Views Assessment and the Design & Access Statement. There are no adverse impacts upon the St Paul’s Cathedral Strategic View, and the proposed building would form part of the cluster of tall buildings at Canary Wharf when viewed from Maritime Greenwich. The proposed building is considered to sit comfortably within the Canary Wharf cluster within all views, particularly when considering the recently constructed and consented schemes at Wood Wharf, Pan Peninsula and London Arena.



- 8.47 Criterion 7 (Conservation Areas, Listed Buildings, World Heritage Sites)  
As detailed earlier in the report, it is not considered that the proposal has an adverse impact upon the character and setting of the nearby Coldharbour Conservation Area. Furthermore, the proposed building would have a minimal effect on the setting of the Greenwich World Heritage Site and the setting of its listed buildings when viewed from the General Wolfe statue, Greenwich Park, as recognised within the London View Management Framework (2007).
- 8.48 Criterion 9 (safety and security)  
Safety and security is achieved with access to the upper levels controlled at ground level by foyer access. Active frontages on the majority of elevations and the minimisation of blank frontages, as well as the activity associated with the retail units and public square, will ensure surveillance to maintain safety and security and deter crime. A condition requiring the submission of details of all external lighting has been attached, as detailed in section 3, above.
- 8.49 Criterion 11 (human scale)  
A human scale is achieved at street level with active frontages created by the commercial units, a high ceiling foyer entrance, trees and public square. This prevents continuous or blank frontages.
- 8.50 Criterion 13 (adaptable design measures)  
Adaptability is incorporated into the scheme by generous floor-to-ceiling heights at ground and first floor level and large, open floor plates to accommodate the variable needs of commercial uses. The residential flats including wheelchair accessibility, lifetime homes and minimum floorspace standards in the design, as discussed previously.
- 8.51 Criterion 16 (sustainability)  
Sustainability has been considered with a series of renewable energy measures and low and zero carbon technologies in the scheme, which the GLA and the Council's Energy Efficiency department have deemed acceptable. Conditions have been imposed requiring details of all renewable energy and energy efficiency measures, and sustainability will be ensured by conditions requiring travel plans and construction management plans.
- 8.52 Criterion 17 (biodiversity)  
There are no impacts identified upon biodiversity or open spaces, including watercourses, waterbodies and their hydrology. The Environment Agency, Natural England and the London Wildlife Trust have raised no objections to the scheme subject to various conditions and informatives.
- 8.53 Criterion 18 (noise)  
The internal noise standards have been considered by LBTH Environmental Health Team, who are satisfied that there will be no significant impact to neighbours or future occupiers, subject to conditions.
- 8.54 Criterion 22 (accessibility)  
The site has good access to public transport with a site specific Public Transport Accessibility Level (PTAL) of 4. The site is within close proximity of South Quay DLR station, numerous bus services and Canary Wharf Underground station.
- 8.55 Criterion 23 (capacity)  
The proposal is considered to be within the capacity of the area, as it proposes low levels of vehicular parking and s106 contributions are to be secured to upgrade and improve transport infrastructure in the area accordingly.
- 8.56 Criterion 25 (pedestrian and cycle routes)  
Section 106 monies will contribute to improving the local public realm, with an improved

pedestrian environment and street lighting improvements. Sustainable transport initiatives will also be supported through the s106.

- 8.57 In respect of additional considerations 27 – 30, the density of the scheme is considered acceptable, as detailed above within the land use section of this report. No objections have been received from London City Airport, NATS or the BBC with regard to Civil Aviation requirements and television reception respectively. With regard to public safety requirements, such matters are handled by Building Control at the detailed design stage.
- 8.58 Policies DEV 1 and DEV 2 of the LBTH adopted UDP 1998 as well as consolidated London Plan Policies 4B.8 Tall Buildings – Location, Policy 4B.1 Design Principles for a Compact City’, Policy 4B.3 ‘Maximising the Potential of Sites’ 4B.9 ‘Large-Scale Buildings – Location’ and 4B.10 ‘Large Scale Buildings - Design and Impact’ are also considered to be addressed by the above comments.

### Design Conclusions

- 8.59 From the above analysis, it is concluded that the principle of a tall building is supported on this site having regard to local and regional policy. Whilst the immediate local context of the site is significantly lower than that proposed, it is considered that the emerging context of the Marsh Wall and Crossharbour axis, which takes into account Pan Peninsula, 22 Marsh Wall, London Arena, Indecon Court and the Millennium Quarter developments for example, will see numerous other sites come forward for redevelopment to maximise their potential.
- 8.60 It is considered that the proposed building will contribute positively to the Canary Wharf cluster and provide visual interest at a more local context, due to its exemplary design, use of materials, mix of uses and incorporation of amenity space. Subject to conditions to ensure high quality detailing of the development is achieved in terms of materials, landscaping and lighting, it is considered that the proposal is acceptable in design terms and accords with the abovementioned policy and guidance set out in the London Plan (2008) and IPG (2007).

### **Amenity**

#### Daylight and Sunlight

- 8.61 DEV2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that policy DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.62 Policy DEV1 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.63 Policy 4B.10 of the London Plan refers to the design and impact of large scale buildings and includes the requirement that in residential environments particular attention should be paid to privacy, amenity and overshadowing.
- 8.64 The submitted Environmental Statement details that two residential developments are within range of the proposed development, so as to be considered ‘sensitive receptors’, which contain habitable rooms\*. These are:
- Meridian Place located approximately 35 metres to the immediate north-west of the site; and

- Antilles Bay located approximately 65 metres to the north-east of the proposed development

In light of Antilles Bay not being situated directly adjacent to the proposed development, it will not form a significant further obstruction to sky visibility. As such, it was not considered necessary to test this building. The Council's Environmental Health department are satisfied with this assumption.

\* The UDP (1998) advises that habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sq.m.).

- 8.65 Daylight is normally calculated by two methods – the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the room's use.
- 8.66 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
  - 1.5% for living rooms; and
  - 1% for bedrooms.
- 8.67 The report details that all of the existing residential units at Meridian Place will receive more than 80% of their existing level of daylight. This is the headline VSC test and as such satisfies the BRE guidelines. In terms of ADF values, all rooms retain ADF levels in excess of 90% of their existing no sky-line areas, therefore satisfying the British Standard requirements.
- 8.68 In terms of sunlight, the submitted report details that all rooms, save for two bedrooms in Meridian Place, would receive compliant levels of sunlight.
- 8.69 It is necessary to have regard to the particular circumstances of the location in question and the assessment should be made in the context of the site. Given the density of this city centre location and the regenerative benefits that the proposal would bring to the area and the Borough as a whole in terms of affordable housing and numerous financial contributions, on balance, it is considered that a refusal on the grounds of a loss of light to two bedroom windows could not be substantiated in this instance.
- 8.70 It is therefore concluded that the proposed development would not have a significant effect on the sunlight or daylight received by the surrounding residential developments and the proposal would not impact significantly on the living conditions of any residents.

#### Overshadowing

- 8.71 The submitted Environmental Statement includes an overshadowing assessment, which shows that there will be a negligible impact to the permanent overshadowing of the surrounding amenity areas, which includes the courtyard to the north of Meridian Place, the proposed public square at ground floor level and the rooftop amenity area.
- 8.72 In terms of transient overshadowing, there is a small addition to shadowing during the morning, however this impact is considered to be acceptable by the Council's Environmental Health department.

#### Air Quality

- 8.73 A number of residents objected on the grounds of dust created during the construction phase. A condition has been attached requiring the submission and approval of a Construction Management Plan, which should detail measures to reduce dust escape from the site during demolition and construction. Such matters are also covered by separate

Environmental Health legislation.

#### Noise and Vibration

- 8.74 The submitted Environmental Statement demonstrates that noise impact has been given comprehensive consideration to the satisfaction of the Council's Environmental Health Team. Appropriate and reasonable mitigation measures have been identified to safeguard internal living areas from unacceptable levels of noise, also agreed by the Environmental Health Team. Therefore, the scheme complies with PPG24 and other relevant guidance and standards which seek to minimise the adverse effects of noise.
- 8.75 In terms of noise emitted by the proposed development and its impact upon nearby residents, conditions have been attached to ensure any plant and machinery to be installed incorporates adequate noise attenuation measures.
- 8.76 In terms of noise and vibration during demolition and construction, the submitted Environmental Statement identifies that this will have a minor adverse impact. In accordance with advice from the Council's Environmental Health officers, conditions have been attached which restrict construction hours and noise emissions, and a condition has been attached requiring the submission and approval of a Construction Management Plan which will further assist in ensuring noise reductions. The applicant is also required to submit details of any plant and machinery proposed prior to commencement of development. Such matters are also covered by separate Environmental Health legislation.

#### Sense of Enclosure/Loss of Outlook

- 8.77 This impact cannot be readily assessed in terms of a percentage or measurable loss of quality of outlook. Rather, it is about how an individual feels about a space. It is consequently difficult to quantify and is somewhat subjective. Nevertheless, in the opinion of officers, given the separation distances between the development and the residential developments at Antilles Bay and Meridian Place, together with the fact that they are not directly adjacent to the site and have buildings between them and the site, it is considered that the development would not create an unacceptable sense of enclosure or loss of outlook to habitable rooms near the site.

#### Overlooking

- 8.78 A number of objections were received from local residents on the grounds of overlooking of habitable rooms from the proposed development, particularly those in Antilles Bay and Meridian Place, which are the closest residential developments and both medium rise of up to eight storeys in height. Meridian Place is located approximately 35 metres to the north-west of the site, whilst Antilles Bay is located approximately 65 metres to the north-east of the proposed development.
- 8.79 Whilst the proposed building is significantly taller than Antilles Bay and Meridian Place, both are located a considerable distance away from the proposed development, and neither are immediately adjacent to it. For a dense urban environment such as this site, it is not considered that the proposal is within significant distance to cause undue overlooking and subsequent loss of amenity.

#### Micro-Climate

- 8.80 Planning guidance contained within the London Plan 2008 places great importance on the creation and maintenance of a high quality environment for London. Policy 4B.10 (Large-scale buildings – design and impact) of the London Plan 2008, requires that *“All large-scale buildings including tall buildings, should be of the highest quality design and in particular: ... be sensitive to their impacts on micro- climates in terms of wind, sun, reflection and over-*

*shadowing*". Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 (Amenity) of the IPG also identifies microclimate as an important issue stating that:

*"Development is required to protect, and where possible seek to improve, the amenity of surrounding and existing and future residents and building occupants as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should: ...not adversely affect the surrounding microclimate."*

- 8.81 Within the submitted Environmental Statement, the applicant has assessed the likely impact of the proposed development on the wind climate, by placing an accurate model of the proposed building in a wind tunnel. The assessment has focused on the suitability of the site for desired pedestrian use (i.e. leisure walking at worst, with standing conditions at entrances and in retail areas, and sitting/standing conditions in public realm areas during summer) and the impact relative to that use.
- 8.82 The pedestrian level wind microclimate at the site was quantified and classified in accordance with the widely accepted Lawson Comfort Criteria. The wind conditions around the existing site are considered relatively calm, being generally suitable for sitting use throughout the year.
- 8.83 Overall, the residual effect of the proposed development, with required mitigation measures in place, is expected to be minor adverse to moderate beneficial. The mitigation measures include trees, hedges and screens at street level around the proposed area of public realm, perimeter screening around the roof terrace at eleventh floor level and a canopy at the centre of the roof terrace. The cumulative impact of other known planning applications in the vicinity of the application site make a beneficial contribution to the wind microclimate of the proposed development. Additional development around the site will increase the shelter on-site and will eliminate many of the adverse impacts identified for the proposed development.
- 8.84 It is therefore considered that the proposed development would be acceptable in terms of the impact on microclimate conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site in accordance with London Plan policy 4B.10 (Large-scale buildings – design and impact) and policy DEV1 (Amenity) of the IPG.

## **Transport**

- 8.85 In consideration of national policy, PPG13 'Transport' seeks to integrate planning and transport from the national to local level. Its objectives include: promoting more sustainable transport choices; promoting accessibility using public transport, walking and cycling; and reducing the need for travel, especially by car. Both PPS1 'Delivering Sustainable Development' and PPS3 'Housing' seek to create sustainable developments.
- 8.86 Pursuant to regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', state that developments should be located in areas of high public transport accessibility. In addition to this criteria Policy 3C.1 'Integrating Transport and Development' also seeks to promote patterns and forms of development that reduce the need for travel by car. Policy 3C.2 advises that, in addition to considering proposals for development having regard to existing transport capacity, boroughs should *"...take a strategic lead in exploiting opportunities for development in areas where appropriate transport accessibility and capacity exists or is being introduced"*. Policy 3C.19 'Local Transport and Public Realm Enhancements' indicates that boroughs (as well as TFL) should make better use of streets and secure transport, environmental and regeneration benefits, through a comprehensive approach of tackling adverse transport impacts in an area. In respect of Policy 3C.20 'Improving Conditions for Buses',

the Mayor, TFL and boroughs will work together to improve the quality of bus services, including consideration of the walkways *en route* to bus stops from homes and workplaces, to ensure they are direct, secure, pleasant and safe.

- 8.87 In respect of local policy, the UDP 1998, Policy ST25 seeks to ensure new housing development is adequately serviced by public transport. Policy ST28 seeks to reduce unnecessary dependency on cars. Policy ST30 seeks to improve safety and convenience for all road users including cyclists and pedestrians. Policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with Policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with Policy T21.
- 8.88 Having regard for the IPG, DEV17 'Transport Assessment' states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 'Travel Plans' requires a travel plan for all major development. DEV19 'Parking for Motor Vehicles' sets maximum parking levels pursuant to Planning Standard 3.
- 8.89 The PTAL rating for the site is good (level 4). Four bus routes (D6, D8, D3 and D7) are within close proximity of the site, and South Quay DLR station is approximately 500m to the west of the proposal site. South Quay DLR station is currently undergoing platform extension works, which will result in the station being relocated 200m closer to the application site by the end of 2009. The site is also approximately 960m (12 minutes walk) from the Canary Wharf Underground station. The site has good pedestrian access to the aforementioned public transport modes via the adjacent Marsh Wall and Lord Amory Way.
- 8.90 The proposal includes a total of 40 car parking spaces, 3 of which will be for disabled parking use, 337 cycle parking spaces at basement level and 10 at ground level for visitor use. All vehicular access for parking and servicing is via the back of the building with no servicing taking place from Marsh Wall or Lord Amory Way.
- 8.91 In addition, a financial contribution of £396,200 towards transport infrastructure, local pedestrian environment improvements and highways improvements, including the implementation of a pedestrian crossing on Marsh Wall, has been included within the s106 agreement.

#### Vehicular Parking

- 8.92 The scheme proposes to provide 40 car parking spaces, 3 of which are for disabled use. This provision is to be located in the basement and will be accessible via two car lifts. The parking provision is the equivalent of approximately 0.14 spaces per residential unit, and is within the maximum standards of policy DEV19 (Parking for Motor Vehicles) of the IPG and London Plan 2008 policies 3C.17 (Tackling congestion and Reducing Traffic) and 3C.23 (Parking Strategy). Whilst the disabled parking provision is one space short of meeting the IPG standard of 10% of all spaces, the additional space can be secured by way of condition, as detailed within section 3 of this report.
- 8.93 It is therefore considered that the vehicle parking provisions would be in accordance with policies 3C.17 (Tackling congestion and Reducing Traffic) and 3C.23 (Parking Strategy) of London Plan 2008. A S106 legal agreement should be entered into in order that the Traffic Management Order can be amended to exempt occupiers of this site from obtaining parking permits. This will ensure no overflow parking on the public highway.

### Cycle Parking

- 8.94 The application proposes 337 secure cycle parking spaces at basement level, together with 10 visitor spaces at ground floor level. This represents a provision in excess of 1 space per residential unit, and is therefore in excess and in accordance with Planning Standard 3: Parking and policy DEV16 of the IPG.

### Servicing and Refuse Collection

- 8.95 Plant, delivery and servicing spaces within the proposed development are located at ground floor level to the north of the proposed development to match the condition of the existing building. Refuse collection would be carried out from the rear, matching the existing arrangements from where there would be direct access to ground floor bin storage areas. This is acceptable to the Council's Highways department.

### Trip Generation

- 8.96 The submitted Environmental Statement includes a transport and access section, which details the trip generation of the proposed development as follows:

Mode	AM Peak			PM Peak		
	In	Out	Two Way	In	Out	Two Way
Car	-2	6	4	11	5	16
Car Passenger	1	3	4	8	4	12
Service Vehicles	1	1	2	0	0	0
Jubilee Line	2	62	64	31	7	38
DLR	0	30	30	16	1	17
Bus	1	6	7	3	1	4
Motorcycle	0	1	1	1	0	1
Bicycle	-1	1	0	1	0	1
Walk	3	33	36	17	6	23
<b>Total</b>	<b>5</b>	<b>143</b>	<b>148</b>	<b>88</b>	<b>24</b>	<b>112</b>

Table 1: Proposed Trip Generation

- 8.97 The Council's Highways department have analysed the methods of assessment and deemed them acceptable. Furthermore, the proposed increase in traffic generation, as detailed in Table 1 above, would not have a detrimental effect on the existing highway network, public transport networks or traffic movements within the area.
- 8.98 As detailed within section 6 of this report, TfL questioned the methods of assessment used by the applicant, and requested additional trip generation surveys incorporating comparable sites. The applicant responded to this issue, stating that the trip generation for the proposed development has been assessed using best practice techniques which accord with TfL's Transport Assessment Guidelines and three similar case studies were included. TfL's latest response, dated 4<sup>th</sup> February 2009, acknowledges the additional information.

### Delivery service plan and construction logistics plan

- 8.99 TfL have requested the submission of a delivery service plan and a construction logistics plan. Conditions securing the submission of a Construction Management Plan and a Delivery and Service Plan have been recommended, as detailed within section 3.3 of this

report.

### Travel Plan

- 8.100 TfL have requested that additional detail is required from the submitted Travel Plan, including how to promote sustainable transport measures, the inclusion of a site management office and the provision of a travel plan for the commercial element of the development. As detailed above within section 3.3 of this report, it is recommended for the travel plan to be secured by way of condition to the satisfaction of the LPA and TfL. Together with future monitoring of the Travel Plan through the s106 agreement, this is considered to be an acceptable approach in this instance.

### S106 Contributions

- 8.101 Given the large amount of additional residents and employment the development would bring to the area, the Council and TfL have determined that contributions for transport infrastructure and public realm improvements are required via the s106 agreement to ensure that the development can be accommodated within the existing transport network. This is discussed further within the Section 106 Agreement section of this report, below.
- 8.102 TfL have requested a number of contributions, including the maintenance and upgrade of the nearby strategic walk network; £600 per residential unit to improve the local bus service; contributions towards improving the streetscape towards the DLR station and a controlled pedestrian crossing to be provided across Marsh Wall. The applicant has since contested the pro-rata bus service payment of £600 per residential unit and the necessity of a controlled pedestrian crossing, stating that a lower payment of £468 per unit is appropriate, and an uncontrolled (zebra) pedestrian crossing would be sufficient in this location. LBTH Highways department have confirmed that an uncontrolled raised crossing would be acceptable. With regard to the bus service payment, at the time of writing this report, TfL and the applicant are presently negotiating this figure. This will be provided within an update report to the Committee.

### **Energy Efficiency and Sustainability**

- 8.103 The London Plan 2008 has a number of policies aimed at tackling the increasingly threatening issue of climate change. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. IPG and the policies of the UDP also seek to reduce the impact of development on the environment, promoting sustainable development objectives.
- 8.104 Policy 4A.3 (Sustainable Design and Construction) of The London Plan 2008 states that boroughs should ensure future developments meet the highest standards of sustainable design and construction, seeking measures that will among other matters will:
- Reduce the carbon dioxide and other omissions that contribute to climate change;
  - Minimise energy use by including passive solar design, natural ventilation and vegetation on buildings;
  - Supply energy efficiently and incorporate decentralised energy systems and renewable energy; and
  - Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP and CCHP schemes and other treatment options.
- 8.105 Policies 4A.4 (Energy Assessment), 4A.5 (Provision of heating and cooling networks) and 4A.6 (Decentralised Energy: Heating, Cooling and Power) of the London Plan 2008 further the requirements for sustainable design and construction, setting out the requirement for an Energy Strategy with principles of using less energy, supplying energy efficiently and using renewable energy; providing for the maximising of opportunities for decentralised



energy networks; and requiring applications to demonstrate that the heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Policy 4A.7 (Renewable Energy) of the London Plan goes further on this theme, setting a target for carbon dioxide emissions as a result of onsite renewable energy generation at 20%. Policy 4A.9 promotes effective adaptation to climate change.

- 8.106 The applicant submitted an Energy Strategy with the application. The following reductions in carbon dioxide emissions are proposed to be achieved:

Table 2: Energy Efficiency

Approaches		Reduction in Carbon Dioxide Emissions	
"Be Lean" - Energy Efficiency Measures		10%	
"Be Clean"	CHP	18.40%	18.70%
	Absorption Chillers	0.30%	
Renewable Energy	Biomass Boilers	9.20%	10.50%
	PV Panels	1.30%	

- 8.107 The information has been considered by the Council's Energy Efficiency Department who have commented that although the renewable energy contribution falls short of the 20% requirement, the potential of the low and zero carbon technology has been maximised for the proposed development and the proposed energy strategy is therefore acceptable, subject to conditions requiring the energy strategy to be revised at the detailed design stage and the submission of details of all energy efficiency and passive design measures confirming the carbon dioxide reductions, together with details of the PV panels and biomass boiler. Conditions have been recommended to this effect, as detailed above within section 3.
- 8.108 Furthermore, the GLA raised no objections to the proposed energy strategy within their Stage I report, subject to further information being provided. The applicant has since responded to this request. The GLA also request information as to how water from the rainwater harvesting system would be reused. This has been included in the aforementioned condition.

### **Section 106 Agreement**

- 8.109 The applicant has proposed a section 106 contribution of £7,500 per residential unit, which equates to a total s106 package of £2,265,000 (302 x £7,500). This pro-rata sum is in line with developments approved elsewhere within the area. The heads of terms are as follows:

#### Highway and Transport Contributions

- 8.110 Provide £406,200 towards transport infrastructure and local pedestrian environment improvements. This includes:
- £40,000 towards the implementation of a raised pedestrian crossing on Marsh Wall
  - £40,000 towards street light improvements
  - £40,000 towards carriageway improvements to Marsh Wall in the vicinity of the site
  - £75,000 towards proposed signal junction improvements at Marsh Wall/Limeharbour
  - £181,200 towards the improvement of local bus services (£600 per residential unit)
  - £20,000 towards the provision of DAISY boards within the development
  - £10,000 towards the installation of automatic traffic data collection equipment

#### Education

- 8.111 The Council's Education department have requested a contribution of £407,286 towards education within the Borough. This is calculated on the basis of the development creating demand for 33 additional primary school places at £12,342 each.

#### Health

- 8.112 The Tower Hamlets Primary Care Trust have requested a contribution of £407,091 towards the development of health and wellbeing centres within Local Area Partnership 8, specifically the new network service hub at Wood Wharf.

#### Social and Community Facilities

- 8.113 The Cultural Services team have requested a contribution of £159,604. The proposed development will increase demand on leisure facilities and our emerging leisure centre strategy identifies the need to develop further leisure opportunities to align with population growth. Sport England as the Department for Culture, Media and Sport (DCMS) agency tasked with implementing sports policy have developed a sports facility calculator for s106 purposes. This calculates (based on population figures and research based demand data) the amount of water space and sports hall required by new developments. It then uses building cost index figures to calculate the cost associated. The model generates a total leisure contribution of £159,604.

#### Employment and Training

- 8.114 The Access to Employment Officer has requested a contribution of £1 per square foot of commercial and office floorspace towards employment and training initiatives. This generates a contribution of £14,100 based on 1310sq.m of retail and office floorspace. £56,576 is also requested for the Idea Store and local libraries.

#### Public Realm Improvements and Open Space Provision

- 8.115 A contribution of £1,628,180 towards the provision of open space has been requested by the Cultural Services team. In line with the approved Wood Wharf development, an agreed cost of laying out open space should be set at £260/sqm. The site proposes 302 residential units. Assuming an occupation rate of 1.8 people per unit (as per previous guidance from DC), this would result in a residential population of  $302 \times 1.8 = 544$ . Based on the LBTH open space standard of 1.2ha/1,000pop the development generates a need for 0.65ha of open space. Current plans show 265sqm or 0.0265ha of publicly accessible open space to be provided within the site boundary. Based on on-site provision against requirement, there is a shortfall of  $6,528\text{sqm} - 265\text{sqm} = 6,263\text{sqm}$ . An off-site contribution should be sought to mitigate for the impact on existing open space. Based on the cost of laying out open space as agreed during the Wood Wharf negotiations, this would be  $\text{£}260/\text{sqm} \times 6,685\text{sqm} = \text{£}1,628,380$ .

OFFICER COMMENT: In light of other contribution requests detailed above and the total s106 monies available, a lesser sum of £814,180 has been allocated towards Public Realm Improvements and Open Space Provision. This approach has been agreed with the Council's Cultural Services team.

#### Affordable Housing

- 8.116 Provision within the S106 legal agreement should be made to ensure the provision of 35% affordable housing in accordance with the application as stated above.

#### **Other Planning Issues**

#### Biodiversity

- 8.117 The site and surroundings are not designated for nature conservation, and neither the Environment Agency nor British Waterways raised any objections to the proposal on such grounds. The application proposes mitigation measures such as the provision of new habitats for wild birds within and around the proposed building. As such, it is considered that the proposed development would not have a direct adverse impact on the biodiversity of the area. Through the implementation of the proposed mitigation measures, the proposal is considered acceptable and in accordance with policy guidance.

#### Environmental Statement

- 8.118 The Environmental Statement and further information/clarification of points in the ES have been assessed as satisfactory by Council's independent consultants Bureau Veritas and Council Officers. Mitigation measures required are to be implemented through conditions and/ or Section 106 obligations.

#### Demolition & Construction

- 8.119 With regards to the objections received on the grounds of cumulative impacts during demolition and construction, this matter was covered within the submitted Environmental Statement and the subsequent updates under Regulation 19. The Council is satisfied that such impacts have been adequately assessed, and mitigation measures have been identified. These measures include the implementation of a Construction Management Plan which will require the developer to liaise with other sites under construction during the same period. Other mitigation measures include wheel washing facilities for construction vehicles and air quality controls. These have been secured by way of condition.

#### Television & Radio Reception

- 8.120 With regard to the objections received on the grounds of potential interference to television and radio signal reception, the submitted Environmental Statement includes an assessment of such potential electronic interference. The assessment details that the proposal, with mitigation measures, will have negligible impacts to television, radio and mobile phone reception. As detailed in section 3 above, the s106 agreement secures TV reception studies and mitigation measures to be carried out during the course of construction and upon completion.

### **9 Conclusions**

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.