

<b>Committee:</b> Strategic Development	<b>Date:</b> 09 October 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Jason Traves		<b>Ref No:</b> PA/08/01321	
		<b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

**Location:** Site At 2 Trafalgar Way

**Existing Use:**

**Proposal:** Redevelopment of the site to provide a residential-led, mixed use scheme comprising 355 residential units, 48 serviced apartments, re-provision of a drive-through restaurant (Class A5), retail or financial and professional service units (Class A1/A2), crèche, gymnasium, associated amenity space and car parking.

**Drawing No's:** Plan No's:

950-100-C3; 950-32-C2; 950-SK-34; 950-33-C2

0215: A0000-01; A1000-01; A1100-01; A1101-01; A1102-01, A1103-01; A1104-03; A1105-03; A1106-03; A1107-03; A1108-03, A1109-03; A1200-01, A1201-01; A1202-02; A1203-01; A1300-01; A1301-01; A1302-01; A1303-01; A1304-01; A1305-01; A1306-00; A1307-01; A1400-01; A1401-01; A1402-01

1045: L90-200-G; 201-E; L90-202-B; L90-203-A; L90-204-A; L90-300-D

Documents:

- Planning Statement
- Supplement to Planning Statement
- Archaeology Assessment
- Affordable Housing Toolkit
- Statement of Community Involvement
- Design and Access Statement
- Energy Renewable Toolkit
- Addendum to the Energy renewable Toolkit
- Environmental Statement – Non Technical Summary
- Environmental Statement – Volume 01
- Environmental Statement – Volume 02
- Environmental Statement – Volume 03
- Transport Assessment
- Addendum to Transport Assessment
- Service Apartment Provision at 2 Trafalgar Way, Canary Wharf

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### LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

**Applicant:** 2 Trafalgar Way Limited and McDonalds Real Estate LLP Limited  
**Owner:** As above  
**Historic Building:** N/A  
**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

(1) The principle of a mixed use scheme is acceptable on this site as supported by PPS1: Creating Sustainable Development, as well as Policies 2A.1, 2A.9, 3B.1, 3B.3 and 5C.1 of the London Plan (Consolidated 2008) which seeks the efficient use of sites, in a way that is sustainable.

(2) A high density scheme is considered to be an efficient use of the site that results in no significant adverse impact. Whilst exceeding the density nominated in the London Plan (Consolidated 2008) and LBTH Interim Planning Guidance (2633 habitable rooms per hectare) it is considered to be acceptable on balance for the following reasons:

- The scheme is of high architectural quality;
- A tall building is appropriate in the areas context;
- There are no symptoms of overdevelopment;
- There are no adverse impacts to neighbours, residents and users of the site;
- There is access to public transport;
- Significant planning contributions have been secured to mitigate the demand for local facilities and services.

(3) The scheme is considered to deliver good-quality housing that will cater for the needs of residents within the Borough. The scheme provides for the maximum possible affordable housing (30%) having regard to the Affordable Housing (Three Dragons) toolkit. It is also balanced by the need to secure planning contributions in other matters. On balance, it is acceptable in respect of Policy CP22 of the LBTH Interim Planning Guidance which seeks affordable housing to ensure a balanced and mixed community.

(4) The proposed family housing achieves the amount required in the social rent and shared ownership tenures, pursuant to CP21 of the Interim Planning Guidance. It therefore meets housing needs in this respect. In terms of overall family housing provision (24%), the scheme considerably exceeds the levels secured borough-wide as shown in the LBTH Annual Monitoring Report 2006/7. Moreover, it is considered acceptable in view of the tight confines of the site. As such, the scheme is in line with Policy CP21 which seeks to ensure a sustainable community.

(5) In addition to the provision of affordable and family housing, there is a good standard of residential amenity achieved in this scheme. In particular:

- All flats exceed the minimum floorspace standards in accordance with HSG13 of the LBTH Adopted UDP 1998 and 'Residential Space' SPG;
- Communal amenity open space is provided in accordance with HSG16 of the LBTH adopted UDP 1998, Policy HSG7 of the Interim Planning Guidance and Residential Space SPG;
- Every flat has a balcony;
- A children's play area and crèche is provided in accordance with HSG16 of the LBTH adopted UDP 1998, Policy HSG7 of the Interim Planning Guidance and Residential Space SPG;

- Over 10% wheelchair housing is provided in accordance with HSG9 of the Interim Planning Guidance;
- The scheme has been designed to Lifetime Homes standards, in accordance with HSG9 of the Interim Planning Guidance.

(6) The architectural quality of this tall building is appropriate for the site. Additionally, it has no significant visual impact posed on the surrounding context. Consideration of the criteria of tall buildings policy DEV27 'Tall Buildings Assessment' LBTH Interim Planning Guidance and Policies 4B.1 'Design Principles for a Compact City', Policy 4B.10 'Large-Scale Buildings – Design and Impact' and Policy 4B.9 'Tall Buildings – Location' of The London Plan (Consolidated 2008) indicate that the scheme satisfies the context, design, and amenity criteria and is therefore appropriate in this location. Furthermore, there are no adverse impacts upon views, including those from St Annes Church or any significant impact to the view from General Wolfe Statue in Greenwich Park pursuant to The Mayor's London View Management Framework' 2007. As such, the proposal is in line with Policy DEV27 'Tall Buildings Assessment' LBTH Interim Planning Guidance and Policies 4B.1 'Design Principles for a Compact City', Policy 4B.10 'Large-Scale Buildings – Design and Impact' and Policy 4B.9 'Tall Buildings – Location' of The London Plan (Consolidated 2008) which seek to ensure tall buildings have high architectural quality and are appropriately located.

(7) No significant loss of privacy, overlooking, noise and disturbance or overshadowing impacts to neighbours are identified. Therefore, the proposal is in accordance with DEV2 of the LBTH Adopted UDP 1998, and Policy DEV1 of the Interim Planning Guidance which seek to protect neighbour amenity.

(8) The scheme is considered to be within the transport capacity of the area, with no significant impact posed. An extensive analysis indicates that the local road system has the capacity to accommodate the trips generated by this scheme. It is also considered that there is no safety impact posed to residents and users on site, owing to the ground floor level design. In respect of the re-provision of MacDonald's car parking and drive-thru facility, these were already approved. The residential car parking is below the maximum threshold for residential parking provision suggested by policy and is therefore considered acceptable. Finally, the scheme secures planning contributions to upgrade the Aspen Way roundabout. This will improve access between the site and Blackwall DLR station giving future residents improved public transport accessibility to greater London. Therefore the scheme is considered to be in accordance with PPG13 as well as Policies 2A.1, 3A.7, and 3C.1 of the London Plan (Consolidated 2008) and Policies CP1, CP41, CP43, DEV16 of the LBTH Interim Planning Guidance which seek to ensure development in sustainable locations, which caters for the needs of future residents and users, without unacceptable harm to the local area.

(11) The scheme secures significant planning contributions to mitigate the demand of additional residents on local facilities and services. In accordance with Circular 05/2005 of planning contributions, the scheme secures affordable housing (30%) as well as contributions for transport, education, health and amenity space improvements and to acoustic barrier treatment along Aspen Way. The contributions have increased significantly as compared to the original offer. Following extensive analysis, they are considered to represent the maximum contribution possible. Therefore, the contributions are considered acceptable.

### 3. RECOMMENDATION

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

A. Any **direction** by **The Mayor**

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

- a) A proportion of **30%** based on habitable rooms of the proposed units to be provided as affordable housing with a 70:30 split between social rent and shared ownership tenures;
- b) Provide **£1,340,480.00** towards highway improvements;
- c) Provide **£542,440.00** towards education to mitigate the demand of the additional population on education facilities;
- d) Provide **£488,480.00** towards medical facilities to mitigate the demand of the additional population on medical facilities;
- e) Provide **£468,600.00** towards an improved public space between the site and Poplar Dock to supplement the private and communal open space achieved of site;
- f) Provide for car club, car-free agreement, Travel Plan, TV/radio reception monitoring and impact mitigation, employment/training initiatives, public art opportunity

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) Time limit for Full Planning Permission
- 2) Details of the following are required:
  - External appearance and materials board
- 3) Full particulars of the children's play area are required
- 4) Parking for a maximum 97 cars (60 x residential basement spaces, 37 x MacDonalds restaurant spaces)
- 5) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 6) Piling hours of operation limits (10am – 4pm)
- 7) Details of insulation of the ventilation system and any associated plant required
- 8) Wheel cleaning facility during construction
- 9) Renewable energy measures, satisfying 20% of energy demand to be implemented in accordance with the ES and Renewable Energy Toolkit.
- 10) Land contamination study required to be undertaken with remediation certificate
- 11) Method of piling to be implemented as required by EA
- 12) No infiltration to ground waters required by the Environment Agency (EA)  
Flood warning system as required by the EA
- 17) Archaeology details required by English Heritage
- 18) Full particulars of a delivery and servicing plan to be agreed prior to the commencement of development
- 19) Full particulars of insulation measures, including the barrier around the children's play area, shall be provided in accordance with the PPG 24 noise assessment contained in the ES  
Full particulars of air quality criteria including background values, receptors, and mitigation are required
- 20) The waste and recycling facilities to be provided in accordance with the approved plans
- 21) Construction Management Plan required
- 22) Full particulars of the green roof to be provided
- 23) Full particulars of extract ventilation and ductwork
- 24) Lifetimes Homes standards and 10% should be wheelchair accessible
- 25) No roller shutters on commercial units
- 26) Code for sustainable homes compliance

- 27) Full details of the CHP are required
- 28) Water supply impact studies to be agreed prior to commencement as required by Thames Water
- 29) Details of works to highways to be submitted
- 30) Full particulars of PVs are required
- 31) Full particulars of the air quality mitigation measures to be submitted
- 32) Any additional conditions as directed by the Corporate Director Development and Renewal

### **Informatives**

- 1) Subject to s106 agreement
- 2) Consult the Environment Agency in terms of conditions 10-17
- 3) Consult Metropolitan Police in terms of conditions 2 & 3
- 4) Consult English heritage on materials condition 2
- 5) Consult LBTH Parks, LBTH landscape, natural England, BW and English Nature on the s106 for poplar dock
- 6) Consult port of London authority form construction mgt plan
- 7) Site notice specifying the details of the contractor required
- 8) EA prior approval for dewatering
- 9) Registration of food premises
- 10) Inspection prior to occupation
- 11) Obtaining consent under the pollution act prior to commencement
- 12) Submission of an archaeological project design
- 13) S278 highways agreement
- 14) Licence for structures oversailing the public highway
- 15) Drainage provision
- 16) Fitting petrol/oil interceptors
- 17) Installation of fat traps
- 18) Water supply provision.
- 19) No adverts without consent
- 20) Surface water discharge (BW)
- 21) Advert consent required for all signage
- 22) Bird boxes and planting bluebells per Thomson ecology recommendations
- 23) Dock wall concern of BW

- 3.4 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 proposal is for redevelopment of the MacDonald's restaurant/drive-thru site to provide a residential-led mixed use scheme. It includes two towers of 29 storey and 35 storeys in height. It is proposed to include 355 residential units, 48 serviced apartments, re-provision of the drive-through restaurant, retail / financial and professional service units, a crèche and gymnasium. In addition amenity space including a children's play area atop a podium level is proposed. Car parking is provided at ground level for the drive-through restaurant and in a basement for the residential units.
- 4.2 The details of the scheme are as follows:
- The provision of 604sqm Gross Estimated Area (GEA) of restaurant (A3) floorspace and 163sqm Retail (A1/A2) predicted to generate between 30 jobs in the operational

- pahse and 146 jobs during the construction phase;
- 21,799sqm of residential (C3) flats with sizes ranging between studio – 5 bedroom;
- Affordable housing provision which equates to 30% of total habitable rooms;
- Residential design that achieves level 3 for the Code for Sustainable Homes Criteria as well as 12% wheelchair housing;
- Incorporation of energy efficient and sustainable measures (i.e. the Combined Heat and Power plant) into the scheme that reduce carbon emission by 20%;
- A total of 6069sqm of amenity space comprising:
  - 2400sqm of private amenity space for residential C3 flats in the form of balconies;
  - 219sqm of private amenity space for the short-term let apartments in the form of balconies;
  - 380sqm of children’s playspace at podium level;
  - 420sqm communal space at podium level;
  - 100sqm associated with the podium level crèche;
  - 2550sqm of publicly accessible space at ground floor level, located between the site and Poplar Dock which will be upgraded as part of the s106 planning contribution undertaking;
- The provision of 97 car parking spaces comprising 60 spaces for the residential (C3) uses and 37 spaces for the MacDonald’s restaurant. 2 spaces of the MacDonalds parking are for people with a disability whilst all spaces in the residential are accessible for people with a disability;
- The provision of 407 secure cycle spaces for both residential and employment components of the mixed use scheme as well as visitors to the site; and
- The provision of refuse and recycling facilities

4.3 Noteworthy features of the scheme including the towers and the basement are described in paragraphs 4.3 and 4.4 of the May 2008 Strategic Development Committee Report which is **attached**.

### **Differences between the previous and current schemes**

#### *Overview*

- 4.4 The differences are summarised as follows:
1. The change in use of 48 residential (C3) units into serviced apartments on levels one to three;
  2. A subsequent reduction in the residential units from 397 to 355;
  3. Installation of a 5.3m high acrylic transparent noise barrier surrounding the perimeter of the podium level of the children’s playspace;
  4. The provision of photo voltaic (PV) panels at roof level.
  5. Improvements to the wider vision landscaping and public realm including increased planting and additional public art locations identified

#### *Floorspace*

4.5 The changes in quantum of each landuse is summarised as follows:

### **Floorspace**

<b>Use</b>	<b>Proposed area PA/08/1321 (GIA sqm)</b>	<b>Change compared to previous app PA/07/274 (GIA sqm)</b>
Residential (C3)	29,705sqm 355 units	- 3,552 - 40 units
Serviced Apartments (C1)	3,217 48 units	+ 3217 + 48 units
Retail (A1, A2)	132	- 31

Restaurant/drive-thru (A3/A5)	604	No change
Creche (D1)	98	No change
Health Club (D2)	88	No change
<b>Total</b>	<b>33,844</b>	<b>- 366</b>

*Residential C3 unit mix by tenure*

- 4.6 The differences in the schedule of residential C3 accommodation for both schemes are evident in the following tables:

**Dwelling Schedule**

<b>Withdrawn scheme PA/08/274 (Hab rms)</b>	<b>Market Sale</b>	<b>Social Rent</b>	<b>Shared Ownership</b>
Studios	63 (63)	-	4 (4)
1 Bedroom flat	86 (172)	5 (10)	10 (20)
2 Bedroom flat	105 (315)	12 (36)	13 (39)
3 bedroom flat	47 (188)	33 (132)	9 (36)
4 Bedroom flat	0 (20)	7 (35)	-
5 Bedroom flat	0	1 (6)	-
<b>Total Units</b>	<b>301 (758)</b>	<b>58 (219)</b>	<b>36 (99)</b>
<b>Total Affordable Units</b>		<b>94</b>	<b>(318)</b>

**Dwelling schedule**

<b>Current scheme PA/08/1321 (Hab rms)</b>	<b>Market Sale</b>	<b>Social Rent</b>	<b>Shared Ownership</b>
Studios	54 (54)	-	10 (10)
1 Bedroom flat	77 (154)	1 (2)	11 (22)
2 Bedroom flat	90 (270)	12 (36)	15 (45)
3 bedroom flat	45 (180)	31 (124)	2 (8)
4 Bedroom flat	-	7	-

		(35)	
<b>Total Units</b>	<b>266</b> (658)	<b>51</b> (197)	<b>38</b> (85)
<b>Total Affordable Units</b>		<b>89</b>	<b>(282)</b>

#### *Family housing by tenure*

4.7 A comparison of family sized housing between the schemes is summarised below. In the subject application, family housing comprises:

- 75% of flats in the market tenure (5% rise);
- 5% in the shared ownership tenure (20% drop); and
- 17% in the market tenure (1% rise).

Overall, there is a reduction in total family housing to 24% (1% drop).

#### **Family Housing**

<b>Tenure</b>	<b>% Policy req't</b>	<b>% PA/08/274</b>	<b>% PA/08/1321</b>
Social-rented	45	70	<b>75</b>
Intermediate (Shared ownership)	25	25	<b>5</b>
Market	25	16	<b>17</b>
<b>Total</b>	<b>30</b>	<b>25</b>	<b>24</b>

#### *Amenity space*

4.8 The scheme provides the same amount of amenity open space as the previous application. In summary it provides a total of 6069sqm of amenity space comprising:

- 2400sqm of private amenity space for residential C3 flats in the form of balconies;
- 219sqm of private amenity space for the short-term let apartments in the form of balconies;
- 380sqm of children's playspace at podium level;
- 420sqm communal space at podium level;
- 100sqm associated with the podium level crèche; and
- 2550sqm of publicly accessible space at ground floor level, located between the site and Poplar Dock which will be upgraded as part of the s106 planning contribution undertaking.

#### **Site and Surroundings**

4.9 The island site has a total area of 0.4 hectares and is located to the south of Aspen Way and to the North of Poplar Dock. The site slopes down gently towards the east. The site is currently occupied by a MacDonald's restaurant and drive-thru takeaway facility. The site currently benefits from landscaping and on-site car parking for 41 cars.

4.10 Pursuant to the London Borough of Tower Hamlets (LBTH) adopted Unitary Development Plan (UDP) 1998, the following designations apply:

- Central Activity Zone;



- Flood Protection Area;
- is within 200m of east-west Crossrail; and
- is adjacent a site of nature conservation importance.

Pursuant to the LBTH Interim Planning Guidance (IPG) the site is identified as site 'ID58' and is proposed to be used for residential (Class C3) and employment (Class B1) purposes. It also falls within a Flood Risk zone 2 – 3.

- 4.11 Pursuant to the Isle of Dogs Area Action Plan (AAP), the site is specifically identified as site 'ID58' (for Residential C3 and Employment B1 uses), is adjacent to a new housing focus area and the Crossrail route.
- 4.12 Pursuant to the Mayor's London Plan, the site is identified within an area of regeneration, is adjacent to the Canary Wharf Opportunity Area and is within an area with a Public transport Accessibility Level (PTAL) of 6a.
- 4.13 Pursuant to the Mayor's East London Sub-regional Development Framework, the site is identified within a mixed use area with strong arts, cultural and entertainment character.
- 4.14 To the north of the site is Aspen Way, and further north is a mix of predominantly residential development. To the south is a recent residential development and the Poplar Dock marina. To the west is Billingsgate Market and Canary Wharf, whilst to the east is a mix of residential and commercial floorspace (office and retail) as well as a hotel. Blackwell DLR station is close to the site, to its north east, across Aspen Way.

### **Planning History**

The previous application, PA/08/274 was for redevelopment to provide a residential-led, mixed use scheme. The scheme comprised of two towers of 29 and 35 storeys in height respectively. The proposed use was 397 residential C3 units, the re-provision of the drive-through restaurant, as well as retail, financial and/or professional service units. Also, a crèche and gymnasium. The scheme provided amenity space including a children's play area located atop a podium level. Residential C3 parking was proposed in a basement whilst ground floor parking would be retained at ground floor for the restaurant use.

- 4.16 At the meeting of 29<sup>th</sup> May 2008, the Strategic Development Committee resolved to refuse the application. Consequently, the decision notice was prepared with a reasons for refusal as follows:

*"1. The development is located in close proximity to major arterial roads containing very high levels of traffic that result in poor air quality and high noise levels (Noise Category Level D as identified in PPG24). The design of the development, consisting of a high density pair of towers atop a podium, has not responded appropriately to the constraints of the site, will create a low level of residential amenity for future residents and does not enable well designed mitigation of the external noise and pollution impacts. The development in its current form is therefore considered to be poorly designed for residential development and does not comply with PPS 23 and PPG 24, policies 3A.3, 4B.1, 4B.9 and 4B.10 of the London Plan (Consolidated with Alterations since 2004); policies ST23, DEV1 and DEV2 of the Unitary Development Plan 1998 (as saved 2007) and policies CP1, CP3, CP4, CP20, CP48, DEV1, DEV2, DEV5, DEV10, DEV11, DEV27 and HSG1 of the Interim Planning Guidance 2007: Core Strategy and Development Control, which seek to ensure appropriate levels of environmental amenity for future residents."*

- 4.17 It is noted that the application was withdrawn by the agent on 02 July 2008, prior to issuing the decision notice.

## 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: CAZ, Flood Protection Area, within 200m of east-west Crossrail, adjacent a site of nature conservation importance

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
	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 (October 2007)**

Proposals: IPG – ID58 (Res C3, Employment B1), Flood risk zone 2 and 3, Isle of Dogs AAP  
IOD AAP – , mixed use site, ID58 (Res C3 Employment B1), adjacent new housing focus area, adjacent res led mixed use adjacent crossrail route

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
	EE3	Relocation of Businesses Outside of Strategic Industrial Locations and Local Industrial Locations
	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

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

Residential Space Standards  
Archaeology and Development  
Isle of Dogs Action Plan (AAP)

### **The Mayor's Spatial Development Strategy for Greater London, The London Plan (Consolidated with Alterations since 2004) 2008**

Consider adding 2A.7, 2A.10, 3A.3, 3A.6

London Plan – area for regeneration, adjacent canary wharf opportunity area

East London Sub-Regional Development Framework – Mixed uses with strong arts, cultural and entertainment character

PTAL 6a (area only)

Polices	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

**Mayor of London’s Sub Regional Development framework For East London  
Mayor of London SPG, London View Management Framework 2007**

**Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG 4	Industrial, Commercial Development and Small Firms
PPG9	Nature Conservation
PPG16	Archaeology and Planning
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 officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

**TH Primary Care Trust (PCT)**

6.2 The TH PCT requested a total planning contribution of £2,093,574.00 (Capital element £482,091.00 and Revenue element £1,611,482.00):

(Officer Comment: See section 8 of this report for discussion of s106 contributions.)

**LBTH Landscape Section**

6.3 No comments received.

**LBTH arborculturalist**

6.4 No comments received

**LBTH Ecology**

6.5 No objection to the application.

**LBTH Highways**

- 6.6
- Located in a high PTAL area;
  - Residential parking is in line with policy and is acceptable;
  - Restaurant parking not in line with current policy and has less than 10% accessible spaces provided. This is an existing use, is not considered to be justification to depart from policy
  - Loading and car club bays on the street cannot be supported
  - Concern about circulation system for restaurant-related vehicles and conflict between vehicles as well as pedestrians
  - Recommends a car free agreement, s106 for Highways works and s278 agreement

(Officer Comment: These issues are discussed in section 8: ‘Transport’.)

### **LBTH Energy Officer**

- 6.7
- In consideration of energy efficiency and renewable energy, a condition is recommended requiring a feasibility study of the cooling, heating and power systems proposed, as well as the renewable energy systems to be employed in the scheme
  - In respect of sustainability, a condition is recommended for full details of the compliance with Code for Sustainable Homes criteria, prior to commencement and occupation

(Officer comment: The conditions are recommended if the Committee is minded to approve the application.)

### **LBTH Environmental Health – Health**

- 6.8 No comments received

### **LBTH Environmental Health – Construction, Noise/vibration, Microclimate (wind) and BRE (daylight sunlight) Issues**

- 6.9
- Final details of the noise assessment and odour control in respect of the restaurant ventilation ductwork should be conditioned
  - Final details of the noise barrier to the children's play area at podium level required
  - Final details of noise mitigation measures of the gymnasium to protect residents is required
  - Final details of noise mitigation measures for the facades to address category D road noise
  - Final details of noise mitigation measures for the penthouse apartments to deal with aircraft noise
  - Concern raised in respect in the reduction of VSC light values, although they advised that ADF values are tolerable
  - Recommends a shadow analysis be undertaken
  - Details of the microclimate mitigation measures at particular locations as identified are required.

(Officer Comment: Further discussions with the officer confirmed that matters raised had been sufficiently dealt with by submission of additional information. In addition, an appropriately worded condition is recommended for full particulars of the noise barrier surrounding the children's play area).

### **LBTH Environmental Health – Land Contamination Issues**

- 6.10 No comments received.

### **LBTH Environmental Health – Air quality**

- 6.11 The Air Quality officer indicates that the following matters should be conditioned:
- The choice of background concentration values;
  - The choice of receptors for the assessment;
  - The criteria used to inform the assessment; and
  - Emission data for the CHP

(Officer comment: Appropriately worded conditions are recommended if the Council recommends approval.)

### **LBTH Education**

- 6.12 No comments received.

### **LBTH Waste**

- 6.13 No comments received.

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

- 6.14
- Principle of development – supported;
  - Housing – Satisfied the 30% affordable housing is the maximum possible;
  - Serviced apartments should be resisted;
  - Density – reduction as a consequence of serviced apartments is acceptable and still a suitable maximising of the site in accordance with London plan Policy;
  - Mix – not significantly affected in the current application;
  - Views of the Greenwich World Heritage Site – only a marginal effect on the setting of the world heritage site and its listed buildings;
  - Layout and appearance – ground floor is well-considered; service entrance cuts across pedestrian environment; circulation spaces and flat layout fairly spacious; final details of the noise barrier around the playspace should be agreed with LBTH; elevations and appearance is one of the strongest aspects of the development; transport s106 contributions welcomed;
  - Access – over 10% of units wheelchair accessible/adaptable;
  - Children’s playspace – child occupancy calculated at 140 kids and the playspace required is 1400sqm. Given that 6125sqm amenity space is being provided including the crèche and ecological space (brown roofs), it is considered that the scheme meets the requirements to cater for the expected child occupancy on the site;
  - Energy – 20% energy reductions targeted but outstanding issues are the extent of the district heat network, evidence of the sizing and efficiency of the CHP, commitment to photovoltaic panels
  - Climate change and adaptation – Scheme satisfactorily addresses the relevant issues;
  - TFL comments – level of car parking, especially for the restaurant is contested; expects contributions towards the Preston’s Road roundabout and improvements in connectivity to Blackwell DLR; cycle parking complies with policy; no significant impact on the local bus network; delivery and servicing plan and construction management plan required if the scheme is approved; the sound barrier on the Aspen Way flyover should be accommodated on site; welcomes the travel plan
  - LDA comments – principle of development supported; welcomes childcare provision; financial contribution towards healthcare should be considered; encourages LBTH to consider employment and training initiatives; supports the provision of serviced apartments;
  - Legal considerations – LBTH to consult the mayor when a resolution is made;
  - Financial considerations – none apply
  - Conclusion – affordable housing (compliant), Mix (compliant), Density (compliant), Urban design (compliant), access (compliant), children’s playspace (complaint), energy (non-compliant), Climate change (compliant), Transport (non-compliant)
  - Recommendations - (1) Energy – provide further clarification, (2) reduce the restaurant parking.

(Officer comments: See section 8 for full discussion of the above matters.)

### **The Government Office of London**

- 6.15 No comments received

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

- 6.16 No objection to the scheme and recommends the following conditions:
- Flood warning system required
  - Land contamination investigation and assessment required
  - Verification report form remediation required
  - Ammendment 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 if the Committee were to grant planning permission.)

**TFL (Statutory Consultee)**

- 6.17 Advice that the noise barrier along the Aspen Way flyover should be relocated to the application site unless the developer can demonstrate why this is not viable.

(Case Officer comment: Discussions with TFL further indicated that their concern about the barrier was in respect of maintenance and liability issues associated with the structure. Also the potential safety concern of drivers being distracted by advertising hoardings. The planning agent has advised that it is not possible to relocate the barrier to the application site. Given that noise mitigation is acceptably achieved through window glazing specification, it has been agreed with the Council's Environmental Health Team for the noise barrier to be deleted from the application.)

**DLR**

- 6.18 No comments received

**BBC**

- 6.19 No comments received

**English Heritage (Statutory Consultee)**

- 6.20 EH advise that the comments in respect of the previous application PA/08/274 apply to this application. EH have concern about the scheme's impact on conservation area views (E.g. from All Saints church, East India Dock Road) and the effect of the materials and design, especially its shiny finish.

(Officer comment: The impact to conservation area views is discussed in section 8 under 'Design'.)

**English Heritage (Archaeology)**

- 6.21 No objection to the scheme. An appropriately worded condition for a program of archaeology to be agreed.

**London City Airport (Statutory Consultee)**

- 6.22 No safeguarding objection to the proposed development

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

- 6.23 The Authority has no safeguarding objection to the proposal.

**Thames Water Authority**

- 6.24 Waste comments:

- It is the developers responsibility to provide adequate drainage
- No building should be located within 3m of sewers without Thames Water approval
- Petrol/oil interceptors in the car parking areas is required
- Fat trap for all catering establishments is required

Water Comments

- Recommends a condition for a water supply impact study, prior to the commencement of the scheme, as it is considered that the water supply infrastructure in the area is insufficient

Additional comments

- Peak sewer discharge should not exceed the historic peak. This is achievable by on-site detention

(Officer comment. It is recommended that these matters are dealt with by planning conditions and informatives if the Council is consider granting planning permission)



### **British Waterways**

6.25 No objection was raised to the scheme. The Authority recommended the following conditions:

- Details of landscaping
- Details of lighting and CCTV
- Risk assessment and method statement to be provided in respect of works adjacent the water
- Feasibility study for water borne freight movement

(Officer Comment: The conditions are to be imposed if the Council considers granting planning permission.)

### **Lea Valley regional Park Authority**

6.26 No comments received

### **Metropolitan Police**

- 6.27
- Does not consider that previous advice has been taken on board
  - Considers there to be too many odd shaped buildings which create recessed and hidden areas
  - Concern about the restaurant drive-through route and the potential it has for accidents
  - Still many areas that do not benefit from overlooking or an active frontage
  - Issue of terrorism using vehicle born weapons and that CCTV would not mitigate these concerns

(Officer Comment:

- In respect of recessed areas and overlooking, it is considered that the activity at the ground floor associated with the restaurant, flats and short-term let apartments will provide a deterrent to crime and anti-social behaviour that may otherwise occur on a less active site;
- In respect of the drive-through route, the potential for accidents cannot be quantified and would appear to be no higher than previously. It is considered that there is no significant impact that would justify a refusal of this matter;
- The potential threat of terrorism is not quantified. Given there is no supporting information justifying the validity of this assertion, a reason for refusal cannot be justified.)

### **London Fire and Emergency Planning Authority (LFEPA)**

- 6.28
- Comments as per previous application PA/08/274, that they raise no objection to the scheme having received the following clarification:
    - The stacking arrangement of the parking facility
    - The lower car park plan
    - Inclusion of the escape stair for the basement
    - Reliance on an engineering design solution needs to be clarified
  - Cooking facilities in flats should not interfere with means of escape although this is a building control issue
  - Consideration could be given to domestic fire sprinklers

(Officer Comment: This advice was forwarded to the agent for their information.)

### **London Borough of Greenwich**

6.29 The borough raise no objections.

### **Natural England**

6.30 Natural England advise they have no further comments to make other than those given in

respect of PA/08/274. They felt that the Environmental Statement does not consider fully the nesting and breeding of birds. They noted Black Redstarts are found in LBTH, and the Isle of Dogs has the most breeding pairs. A condition is therefore recommended to ensure impacts during works are minimised. The nesting, breeding and seasonal requirements should be factored into the construction program as well as in a management strategy for the birds on site during this phase. A management program is recommended for maintaining planting on site and to include the green/brown roofs in this plan. A legal agreement is recommended to secure the maintenance and continued provision of accessible natural greenspace.

(Officer Comment: The Thompson Ecology Habitat Survey was submitted as part of the Environmental Impact Assessment (EIA). It states that there was no evidence of Black Redstarts on site. In addition to this, the ecological consultant advised that Black Redstarts prefer to nest in derelict sites of brick and rubble rather than trees. Advice was that a new habitat would be provided for Black Redstarts in the form of the proposed brown roofs. Finally, the s106 legal agreement includes monies to improve the open space in between the site and Poplar Dock, which has the potential to support natural greenspace.)

#### **Port of London Authority**

- 6.31 The Authority raised no objection to the application. The Authority considers the site to be ideally placed to allow the bulk of building materials to come by river and suggests a condition or planning agreement should be imposed to ensure this.

(Officer Comment: An appropriately worded informative is recommended for the Authority to be consulted as part of the discharge of the construction management plan condition to establish what opportunities exist to utilise waterborne transport.)

#### **National Grid**

- 6.32 The Authority consider the risk to be negligible.

#### **Canary Wharf Group PLC**

- 6.33 No comments received

#### **Crossrail**

- 6.34 The Authority advise that the application site is outside the limits of land that is subject to consultation under the Safeguarding Direction. Therefore, they do not wish to make any comments regarding this application.

#### **CABE**

- 6.35 No comment on the scheme.

#### **Barkantine Tenants and Residents Association**

- 6.36 No comments received.

#### **Alpha Grove and Barkantine Tenants Association**

- 6.37 No comments received

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

- 6.38 No further comments made in addition to those for the previous application PA/08/274. here they noted the site is considerable distance from Maritime Greenwich. Nevertheless it is visible from Greenwich Park and is in the GLA London View. Concern is raised regarding the enlargement of the cluster of tall building to east and west of the Canary Wharf cluster which may create a wall of buildings. The gap is important as it visually defines Canary Wharf and extending this group of buildings as viewed from the park is a concern. Also, there is concern for scale and design of the tower.

(Officer Comment: The agent has provided CGIs and additional written justification in support

of the scheme in response to these concerns as discussed in detail in Section 8 under 'Design'.)

### **The Greenwich Society**

6.39 No comments received

## **7. LOCAL REPRESENTATION**

7.1 A total of 985 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: 7 Against: 2 Support: 5 Neutral: 0

7.2 The following local groups/societies made representations:

- Poplar Dock Boat Users Association

7.3 The following comments were raised in representations that are material to the determination of the application:

#### Positive

- Support for the scheme in view of the improvements to local pathways/walkways
- The scheme is considered to improve traffic routes
- The scheme will be an improvement to the environment in general
- The scheme is considered improve the visual amenity of the area
- The scheme is considered to be high quality

#### Negative

- Traffic generation and access issues with particular reference to the construction phase
- Noise
- Another residential development is not needed in this area

(Officer comment: These matters were considered in the previous application PA/08/274 and are unchanged by the current application)

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

- It was noted in comments that there are no negative comments from boaters at Poplar Dock
- Indicated that there was concern whether or not the McDonalds would be retained, it being noted that it is a facility benefiting the local community.
- Littering
- A stand alone fast food outlet is not suitably located in this area
- Damage to roads and footpaths during construction

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Consideration of the previous reasons for refusal
2. Landuse
3. Housing
4. Design
5. Amenity for future occupiers and users
6. Neighbour Impacts

7. Transport Impacts
8. Sustainability
9. Planning Contribution

### **Reason for refusal**

- 8.2 Prior to being withdrawn, the Committee resolved to refuse the scheme. Although not issued, the draft decision notice was prepared with the reason for refusal as follows:

*“1. The development is located in close proximity to major arterial roads containing very high levels of traffic that result in poor air quality and high noise levels (Noise Category Level D as identified in PPG24). The design of the development, consisting of a high density pair of towers atop a podium, has not responded appropriately to the constraints of the site, will create a low level of residential amenity for future residents and does not enable well designed mitigation of the external noise and pollution impacts. The development in its current form is therefore considered to be poorly designed for residential development and does not comply with PPS 23 and PPG 24, policies 3A.3, 4B.1, 4B.9 and 4B.10 of the London Plan (Consolidated with Alterations since 2004); policies ST23, DEV1 and DEV2 of the Unitary Development Plan 1998 (as saved 2007) and policies CP1, CP3, CP4, CP20, CP48, DEV1, DEV2, DEV5, DEV10, DEV11, DEV27 and HSG1 of the Interim Planning Guidance 2007: Core Strategy and Development Control, which seek to ensure appropriate levels of environmental amenity for future residents.”*

- 8.3 As outlined in section 4 the amended scheme comprises a series of modifications to improve amenity for future residents. These are summaries as follows:

- A reduction in residential C3 units from 394 to 355 thereby reducing the overall intensity of the scheme in respect of permanent residents on the site. Consequently, there is a reduced impact to local facilities and infrastructure included transport, health, education and open space provision;
- Replacing the residential C3 uses at the first to third floors with short term let apartments. This will mean that permanent residents are located on the upper floors affording greater separation and dispersion from the noise and air pollution source of Aspen Way;
- The installation of noise barriers surrounding the podium level play space to offer further amelioration of noise impact to residents and users of the development;

- 8.4 In addition, the Council’s Environmental Health section has recommended appropriately worded conditions to further ensure air quality is addressed in the detailed design and construction of the application to safeguard a suitable level of amenity for future residents.

- 8.5 Overall, the application is considered to offer improved level of amenity for a reduced number of residents. It is therefore considered that the concerns raised by the committee about the intensity of the development and level of amenity have been responded to and appropriately addressed in the revised scheme. The application is considered to accord with PPS 23 and PPG 24, policies 3A.3, 4B.1, 4B.9 and 4B.10 of the London Plan (Consolidated with Alterations since 2004); policies ST23, DEV1 and DEV2 of the Unitary Development Plan 1998 (as saved 2007) and policies CP1, CP3, CP4, CP20, CP48, DEV1, DEV2, DEV5, DEV10, DEV11, DEV27 and HSG1 of the Interim Planning Guidance 2007: Core Strategy and Development Control, which seek to ensure appropriate levels of environmental amenity for future residents.

### **Landuse**

#### Introduction

- 8.6 As noted in the ‘Site and Surroundings’ section 4 of this report, the site is designated as ‘ID58’ in the Isle of Dogs AAP and is proposed to be used a residential-lead, mixed-use

purposes.

#### Principle of mixed use

- 8.7 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.
- 8.8 In respect of national policy PPS 1: Creating Sustainable Development (Jan 05), the PPS promotes in its 'General Approach' 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. This consideration of the effective use of land, and the range of incentives or interventions to facilitate this is also encouraged in 'Effective Use of Land' of PPS3 'Housing' (Nov 06).
- 8.9 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 the mixed uses. Policy 3B.3 'Mixed Use Development' (90) mentions that mixed uses are also encouraged with 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'.
- 8.10 In policy terms, a mixed use scheme is policy compliant on this site. Therefore, this mixed use residential and commercial scheme is acceptable in principle.

#### Principle of short-term let apartments

- 8.11 The principle of short-term let apartments is acceptable being in accordance with Policy EE4 of the LBTH Interim Planning Guidance. A 'Serviced Apartment Provision at 2 Trafalgar Way' statement was provided in support of the scheme indicating the apartments would address the policy criteria by including the following:
- Dedicated reception and lobby;
  - Regular cleaning
  - Laundry and linen service
  - 24 hour room service
  - Internet and entertainment services
  - A centrally managed telephone service
  - Maximum occupation of units for 90 days
  - The operator will manage and business of the serviced apartments by a lease or contractual agreement.
- 8.12 Accordingly, the apartments are considered to comply with the requirements of Policy EE4 Serviced Apartments of the LBTH Interim Planning Guidance which seeks to ensure accommodation is provided on a short term basis only and provides a sufficient level of service for the temporary occupiers.

#### Density

- 8.13 Policy 3A.3, 'Maximising the Potential of Sites' of The London Plan, CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the Interim Planning Guidance, outline the standards for maximising the intensity and the efficient use of sites.
- 8.14 The proposal is equivalent to 2350 habitable rooms per hectare (compared to 2633 habitable rooms per hectare of PA/08/274) which is in excess of published local and regional guidance. These are as follows:
- London Plan: 650-1100 habitable rooms per hectare in an area of a Public

Transport Accessibility Index (PTAL) 4-6 for central areas (within 800m walking distance of Canary Wharf);

- LBTH Interim Guidance: 650-1100 habitable rooms per hectare in PTAL 4-6 in northern isle of Dogs area.

8.15 The density is in excess of the range of the London Plan and LBTH Interim Guidance. However, it is considered that the density is acceptable for the following reasons:

- There are no significant impacts identified for neighbours;
- There are no significant impacts identified for future residents;
- There are no symptoms of overdevelopment, including poor design, substandard accommodation, inappropriate housing mix;
- The scheme is of high architectural quality;
- Tall buildings are appropriate in this location;
- The scheme has acceptable access to public transport;
- Planning contributions for transport, health, education and amenity space will be secured to compensate for the demand that the scheme will pose to local service and facility provision.

8.16 For these reasons the scheme is considered to be an efficient use of the site and not over-dense.

8.17 Furthermore, higher density is also promoted by Interim Planning Guidance Policy CP20 'Sustainable Residential Density' which states:

*"The council will resist any proposed housing development that results in an inefficient use or under-development of a site."*

8.18 In addition, high density precedents have been recently approved in the adjacent area. In particular application PA/04/00510 at Land S/w Jnc Of Poplar High St And Preston's Road And East Of Poplar Business Park, Preston's Road. A density in excess of 2259 habitable rooms per hectare was granted in 2006 for this scheme. Nearby, New Providence Wharf is also a high density scheme.

8.19 Therefore, on balance, the density is considered acceptable given that the proposal poses no significant impacts, is appropriate to the area context and planning contributions will be secured.

#### Principle of Housing

8.20 Consideration in this section is limited to the principle of a residential component in a mixed-use redevelopment. The quality of the provision is discussed separately under 'Housing'.

8.21 The scheme is identified in the Isle of Dogs AAP as development site 'ID58. Its description indicates a residential C3 component of any redevelopment scheme is considered acceptable. In respect of the London Plan (Consolidated 2008), the site is within the North-East sub region and should also have regard to the Blue Ribbon Network. However, there are no specific designations identified for this site. Therefore there is nothing to prevent the consideration of a residential component.

#### Concluding Remarks

8.22 Generally, a residential-lead, mixed-use scheme is appropriate and justified in terms of policy.

### **Housing**

The mix of units is set out in section 4.

### Affordable Housing

- 8.24 Policy CP22 'Affordable Housing' requires a 35% affordable housing provision.
- 8.25 An Affordable Housing (Three Dragons) Toolkit was submitted in justification for providing a reduced affordable housing contribution. Issues including build cost and residual land value were identified as affecting the financial viability of the scheme. Additionally, the provision of affordable housing is balanced with the need to provide planning contributions in other areas including transport, health and education.
- 8.26 Initially, the scheme offered a contribution 28% affordable housing and £5,000.00 per unit based on the affordable housing toolkit. The applicant reconsidered this and improved the contribution to 30% affordable housing and £8,000.00 per unit in financial contributions. The agent confirmed that, in light of the scheme's economic viability, the scheme could not increase the affordable housing offer further. After extensive review by Council Officers, it is considered the figures appear to be reasonable, and that the 30% affordable housing provision is the maximum that can be provided. The GLA also come to the same conclusion as officers.
- 8.27 Policy 3A.8 of the London Plan states that:  
*'Boroughs should seek maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to their affordable housing targets adopted in line with policy 3.7, the need to encourage rather than restrain residential development and the individual circumstances of the site. Targets should be applied flexibly, taking into account of individual site costs, the viability of public subsidy and other scheme requirements'.*
- 8.28 In accordance with GLA requirement, the Council have sought the maximum amount of affordable housing whilst taking into account the factors set out in the policy 3A.8 of the London Plan. These include the most effective use of private and public investment, which includes the use of financial contributions. In this case, the most relevant planning contributions (financial contribution or public investment) offered by this scheme (as worked into the viability assessment) includes:
- £1,340,480.00 towards highway safety improvements;
  - £542,440.00 towards education to mitigate the demand of the additional population on education facilities;
  - £488,480.00 towards medical facilities to mitigate the demand of the additional population on medical facilities; and
  - £468,600.00 towards an improved public space between the site and Poplar Dock to supplement the private and communal open space achieved of site;
- 8.29 Overall, in the light of the viability assessment produced for the proposed development, the overall s106 package and additional regeneration benefits arising from the proposal, the failure to provide a minimum of 35% affordable housing is considered acceptable on balance. The proposed development is therefore in accordance with policy 3A.7 and 3A.8 of the London Plan and policies CP22, HSG3 and HSG4 of the LBTH Interim Planning Guidance.
- 8.30 Moreover, a similar on-balance consideration was given to the nearby application for Building C New Providence Wharf (Ref PA/06/2101). In this scheme the revised affordable housing toolkit indicated that a maximum provision of 32% affordable housing was possible. This application was approved by the Strategic Development Committee on 31<sup>st</sup> January 2008. Therefore, it is considered reasonable that similar regard should be had to the merits of this application and the contribution of affordable housing being offered.
- 8.31 In addition to the above requirement, Policy 3A.7 'Affordable Housing Targets' of The London Plan (Consolidated 2008) requires a 70:30 split between social rent and shared

ownership tenures. The scheme achieves a split of 70:30 and is therefore acceptable in this regard.

#### Family Housing

- 8.32 Family sized housing is a requirement in all three housing tenures (market, social-rent, shared-ownership) although varying amounts are required in each.
- 8.33 Policy CP21, 'Dwelling Mix and Type' requires family housing in all three tenures. For intermediate housing the policy requires 25% family housing and the scheme provides 5%. For social-rent housing, 45% is required and 75% is provided. In the market housing, 25% is required and 17% is provided. This corresponds to a total provision of 24% family housing provision across the whole scheme for which the policy aspiration is 30%.
- 8.34 It is noted that this improves upon the recent approval of nearby Building C, New Providence Wharf, application PA/06/2101 for 30% affordable housing of which a total of 16% family housing was achieved.
- 8.35 Whilst short on of the nominated percentages in the market and shared ownership tenures, this shortfall should be considered within the following context:
- The difficult site context;
  - Viability issues and the need to balance housing provision with other planning necessary planning contributions;
  - The comparatively high proportion of family housing in the social rent tenure;
- Overall, it is felt that the family housing offer is the best possible compromise.

In addition, it should be noted that the scheme exceeds the amount of family housing otherwise achieved across the borough based on the most recently published LBTH Annual Monitoring Report 2006-7 and is therefore, a positive step towards LBTH achieving key housing targets and better catering for housing need.

#### Wheelchair Housing and Lifetime Homes

- 8.36 Policy HSG9 'Density of Family Housing' of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards and for 10% of housing to be wheelchair accessible or "easily adaptable". A total of 11.3% (40 units) is provided, in compliance with policy.

#### Floor Space

- 8.37 Policy HSG13 'Conversions and Internal Standards for Residential Space' of the adopted UDP 1998 and Supplementary Planning Guidance (SPG) 'Residential Space' (adopted 1998) set the minimum space standards for residential developments.
- 8.38 The floorspace schedule for the scheme shows that the total floor area of each flat as well as individual rooms, complies with the SPG requirements.

#### Amenity Space

- 8.39 Policy HSG 16 'Housing Amenity Space' of the adopted UDP 1998 requires schemes to incorporate adequate provision. The Residential Space SPG 1998 sets the space criteria as does HSG7 'Housing Amenity Space' of the Interim Planning Guidance. The LBTH Residential Space SPG also sets criteria for calculating open space. The policy requirements are summarised below.

#### **Residential Space SPG 1998 requirements**



Family Units	85	50sqm of private space per family unit	4250
Non-family units	270	50sqm plus an additional 5sqm per 5 non-family units;	320
Child Bed spaces	105	3sq.m per child bed space	315
<b>Total</b>			<b>4885</b>

### Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	64	6	384
1 Bed	89	6	534
2 Bed	117	10	1170
3 Bed	78	10	780
4 Bed	7	10	70
5 Bed	-	10	
<b>TOTAL</b>	<b>355</b>		<b>2938</b>
<b>Communal amenity</b>		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	<b>395</b>
<b>Total Housing Amenity Space Requirement</b>			<b>3333</b>

- 8.40 The application exceeds the minimum standards of both the UDP and Interim Guidance proposes a total provision of approximately **6069sqm** the following amenity space provision:
- 2400sqm is private amenity space for the residential C3 flats in the form of balconies;
  - 219sqm of private amenity space for the short-term let apartments in the form of balconies
  - 420sqm of communal amenity space at podium level (excluding brown/green roofs);
  - 380sqm of children's play area and 100sqm of outdoor space relating to the crèche;
  - 2550sqm of public open space adjacent to Poplar Dock
- 8.41 The overall amenity space provision across the scheme exceeds the total required provision of the Interim Planning Guidance. (The adopted UDP).
- 8.42 In addition, 315sqm of child playspace is required and the scheme makes provision for 480sqm in the form of a dedicated playspace as well as 100sqm of outdoor play area associated with the crèche.
- Concluding Remarks
- 8.43 On balance, the affordable housing provision (of 30%) is considered the maximum possible in light of the viability of the scheme and the need to consider other planning contributions including transport, health and education. It is noted that the same on-balance justification has been applied to another recently approved scheme, namely, Building C New Providence Wharf. The total provision of 24% family housing is also considered acceptable

and considerably exceeds the 7.1% of family housing achieved across the borough as indicated in the Annual Monitoring report 2006/7. Finally, the proposed units have a sufficient total floor area and amenity space provision to meet the amenity needs of its future occupiers.

## **Design**

### Introduction

- 8.44 Guidance in the form of policy, as well as approved schemes nearby guide the design considerations of this scheme.
- 8.45 Pursuant to regional Policy contained within The London Plan (Consolidated 2008), Policy 4B.1 'Design Principles for a Compact City' requires schemes, amongst other criteria, to create/enhance the public realm, respect local context/character and be attractive to look at. Policy 4B.9 'Tall Buildings – Location' outlines considerations for the siting of tall buildings which includes tall buildings as a "catalyst" for regeneration. Policy 4B.10 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations, including context, attractiveness and quality.
- 8.46 In consideration of Local Policy and the saved policies of the adopted UDP 1998, Policy DEV1 'Design Requirements' indicates a need for a development to be sensitive to the area, the capabilities of the site, consideration of street frontages, building lines roof lines and street patterns and provide for safety and security. Within the Interim Planning Guidance CP4 'Good Design' buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 'Tall Buildings' confirms that tall buildings can be considered anywhere if justified and all proposals should seek, amongst other things, to contribute to a high quality, attractive environment, respond to context and contribute to vitality.
- 8.47 In addition to the Planning Statement, the application is supported by full drawing sets including landscaping plan, as well as a Design and Access Statement, Landscape Design Statement, Townscape and Visual Assessment (within the EIA).

### Tall Buildings

- 8.48 The scheme is defined as a tall building pursuant to the LBTH Interim Planning Guidance, namely:
- "Buildings or structures generally exceeding 30m in height, or which are significantly higher than the surrounding buildings (usually 2 or more storeys higher), dependant on the scale of existing development and character of the area"*
- 8.49 Accordingly, local and regional tall buildings policy advise on the relevant considerations for tall buildings and discussed below in detail below. Moreover, there is a range of published national policy including PPS1, PPS3 and PPG15 as well guidance that includes 'By Design' published by DETR/CABE in 2000.
- 8.50 Policy CP49 Tall Buildings of the LBTH Interim Planning Guidance 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*
  - e) not create unacceptable impacts on social and physical infrastructure"*

- 8.51 In respect of 3a, the scheme is considered to contribute positively to a high quality and attractive environment for the following reasons:
- It proposes good internal floorspace as well as a range of outdoor open space options as detailed under the 'Housing' chapter of this report;
  - The scheme provides complimentary facilities to the residential C3 uses, including a gymnasium and crèche which will benefit future residents;
  - The scheme provides for waste, recycling and cycle storage to serve future residents;
  - The application proposes high quality external finishes, creative architectural treatments, including the sky gardens suspended between the towers as well as perforated metal panel cladding. All of this creates a very distinctive and unique architectural statement that will add to the variety of buildings in this evolving urban context.
- 8.52 In respect of 3b the scheme responds sensitively to the context in the following ways:
- 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, and open pedestrian thoroughfares, whilst minimising the impact of vehicular access to the western edge of the site and a discrete point at the southern edge of the scheme;
  - In terms of upper levels, the two contemporary towers reduce the appearance of bulk in the skyline as compared with a single tower as shown further in earlier design options for the site.
  - It utilises durable metal and glass finishes in a creative way that will add to the skyline and compliment the existing diversity of architectural style in this location.
  - Moreover, it is an outward looking scheme with rounded building form that presents an interesting façade from all vantage points.
  - The towers are seen in the context of other taller buildings in this location;
  - Nevertheless, it does not fill in or detract from the tall building cluster of Canary Wharf; and
  - There is no adverse impact to any views.
- 8.53 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, which is discussed in detail later in section 8 'Neighbour Impacts'.
- 8.54 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 along with accessible parking for people with a disability is also provided. All this contributes to the creation of a sustainable and diverse community in the local area. In addition to the economic benefits of growing a sustainable community and local businesses, the scheme itself is predicted to generate between 165-200 Jobs.
- 8.55 In respect of 3e, planning contributions towards transport improvement, health, education and the upgrade of open space adjacent to Poplar Dock will all be secured to ensure the impact on local infrastructure is mitigated.
- 8.56 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 with 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.”*

8.57 Points 1, 2, 8, 10, 12, 14, 15, 19, 20 and 21 have been addressed in the considerations of CP 49 tall Buildings.

8.58 In respect of 3, alternatives have been considered but not deemed suitable in the pre-application discussions with LBTH and in the applicant's Design and Access Statement, which accompanies the application.

8.59 Regarding 4 (views), Computer generated Images (CGIs), as well as artist perspectives in the design and access statement and analysis in Chapter 11 of the EIA, indicate consideration of the external appearance from all angles as well as its night-time appearance.

The requirements of points 5, 6 and 7 (consideration of views) has also been considered namely:

- Strategic London-wide views,
- the contribution made to the skyline
- any listed buildings, conservation areas and world heritage sites and their settings.

8.60 In respect of 9, safety and security is achieved with access to the upper levels controlled at ground level by foyer access. Minimisation of blank frontages, as well as the activity associated with the MacDonald's restaurant, will ensure surveillance to maintain safety and security and deter crime.

8.61 In respect of 11, a human scale is achieved at street level with a series of single storey commercial premises, as well as the residential foyer which breaks up façade of the building and provides multiple doorways and windows. This prevents continuous or blank frontages.

8.62 In respect of 13, adaptability is incorporated into the scheme by generous floor-to-ceiling heights at ground floor level to accommodate the needs of commercial uses. The residential flats including wheelchair accessibility, lifetime homes and minimum floorspace standards in the design, as discussed previously.

- 8.63 In respect of 16, sustainability has been considered with energy efficient and renewable energy measures in the scheme. It achieves 10% of energy from renewable sources, as well as a 20% reduction in Carbon Dioxide, as detailed in the Planning Statement, the Design and Access Statement and supporting Energy Renewable Toolkit.
- 8.64 In respect of 17, there is no impact identified to biodiversity or open spaces including watercourses, waterbodies and their hydrology. The Environment Agency, Natural England and the Council's Arborculturalist have raised no objections to the scheme subject to various conditions, informatives and s106 heads of terms.
- 8.65 In respect of 18, the internal noise standards have been considered by LBTH Environmental Health Team, who are satisfied that there will be no significant impact to neighbours.
- 8.66 In respect of 22, the site has good access to public transport with a site specific Public Transport Accessibility Level (PTAL) of 4 and is within an area considered generally to be PTAL 6a.
- 8.67 In respect of 23, the proposal is considered to be within the capacity of the area.
- 8.68 In respect of 24, the proposal will contribute a planning contribution of approximately £1.34million to funding works to the nearby roundabout. This will improve pedestrian links in the surrounding area and especially links to nearby Blackwell DLR station.
- 8.69 In respect of 25, the above monies will contribute to linking the development into the wider area and further affield with improved links to the DLR station. This will also assist in linking the site to the London Cycle Network, including, the dedicated link along Cable Street to Tower Bridge which provides access to greater London.
- 8.70 In respect of additional consideration 27 – 30:
- The scheme is in excess of the density provisions for the area. However, this is considered justified given the high quality external appearance, the internal amenity achieved, the variety of amenity space provided on site plus the significant planning contributions that have been secured for the scheme;
  - No objections have been raised by London City Airport and the National Air Traffic Services Ltd (NATS);
  - No objections have been received from the BBC. The s106 legal agreement includes an obligation for monitoring and mitigating of any impacts, in accordance with the analysis contained in the Environmental Impact Assessment;
  - No objection has been received from LBTH Building Control. Such matters can be dealt with at the detailed design phase under the Building Regulations.
- 8.71 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 – Design and Impact are also considered to be addressed by the above comments.
- 8.72 It is concluded that the principle of a tall building is supported on this site having regard to local and regional policy.

#### External Appearance

- 8.73 The building's appearance is considered to be one of the strongest aspects of the proposal, offering an attractive and complimentary addition to the skyline in this area.

#### Local Context

- 8.74 As discussed previously under 'Tall Buildings', regard has been had for the impact of the proposal on the surrounding area. The 'Townscape and Visual' assessment in Chapter 11 of Volume 01 of the Environmental Impact Assessment (EIA) considers 12 view points within the Isle of Dogs, Poplar and North Greenwich which show the before and after changes in the skyline. Regard is also had to surrounding areas in general as well as specific consideration of the Cold Harbour and Naval Row Conservation Areas, All Saints and Matthias Church as well as other individually listed structures and buildings are also assessed. In respect of the conservation areas, it is evident that all the identified areas have been already impacted upon in various degrees by development either within the conservation area itself and/or adjacent. In respect of the listed structure (E.g. West India and Millwall Docks, Blackwell Basin and Poplar Dock which are locally listed) these are not nearer than 260m to the site, nor do any of them enjoy their original settings. Such factors are a consideration when analysing the significance of any impact of the proposal.
- 8.75 The analysis provided in the EIA was undertaken having regard to national, regional and local guidance and within the context of a methodology set out in the 2002 edition of the Guidelines for Landscape and Visual Impact Assessment (GVLIA) produced by the Landscape Institute and the Institute of Environmental Management and Assessment (IEMA). The report conclusions are that:
- The design offers something distinctive and different to the townscape;
  - There is no significant impact to the setting of listed buildings, conservation areas, the riverscape or any adverse impact on any protected or strategic views or vistas;
  - That the impact will be lessened as nearby consented schemes are of similar heights;
  - The towers will not appear in isolation based on the 12 views analysed, but will form part of the cluster of buildings in this part of the north eastern edge of the Isle of Dogs; and
  - The scheme would have a visual benefit to the townscape of Poplar by adding a development of high visual quality.
- 8.76 An objection has been received from English Heritage. Concern was raised about the possible impact to sensitive conservation area views (for example from the portico of All Saints Church, East India Dock Road) and its materials and detailed design (especially a shiny finish). In considering this objection in detail, the details of the conservation area and listed items of All Saints were considered, along with policy and the assessment of the EIA.
- 8.77 The All Saints Conservation Area was designated in 1986 and contains the 1920s All Saints Church which is grade II\* listed. The namesake of the conservation area is evident in Poplar owing to its Spire which is a landmark for the area. The 'Townscape and Visual' assessment reports that the church forms a group with two listed terraces. The conservation area also takes in residential streets to the south of the church. The townscape surrounding the church is evident today including some three/four storey residential properties of the late Georgian period, with important examples being listed including terraces on Montague Place and Bazeley Street, as well as the Rectory on Newby Place. However, the 'Townscape and Visual' notes that, following wartime bombing and the subsequent redevelopment, the setting of the church and the townscape has been eroded. In this way, the setting of this listed building and the conservation area in general is not pristine and it is considered that this should be considered when evaluating the impact of the proposal of views in and around and out of the All Saints Conservation Area.
- 8.78 In respect of Policy, in addition to those identified previously under 'Tall Buildings', PPS1 considers the role of design in planning but cautions us not to impose architectural styles and tastes. Instead, it states that we should consider overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally (paragraph 38). Nevertheless, when assessing schemes "*Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it*

*functions, should not be accepted*" (paragraph 34). PPG 15 'Planning and the Historic Environment' refers to consideration of preserving or enhancing the conservation area when considering proposals that fall outside conservation areas (paragraph 4.14) and is applicable in this situation.

- 8.79 Within the EIA, Figures 11.4 and 11.5 visually quantify the change in view from St Annes Church in the images presented. Whilst there is a moderate change in view, given the architectural quality of the proposed building, the visual impact on the view is neutral and therefore acceptable.
- 8.80 As demonstrated in this section and under 'Tall Buildings', the possible impact to St Annes Church has been considered. The following has been established:
- That a tall building is acceptable;
  - This scheme is considered to be high quality architecture; and
  - The EIA concludes that the change in view created by this building has a neutral effect which is acceptable.
- 8.81 Therefore, the proposal is considered to have been adequately assessed in terms of its potential impact to St Annes. The proposal is not considered to have a significant detrimental impact on St Annes Church. The high quality architecture will not have a significant impact to the views and the high quality finishes proposed in this scheme will be secured by an appropriately worded condition to ensure construction is undertaken in accordance with the proposed design.
- 8.82 In considering the effect of the materials and specifically the shiny finish, it is noted that such matters would be controlled by an appropriately worded condition requiring details and samples of the materials to be submitted for approval in writing by the local planning authority LBTH prior to commencement. An appropriately worded informative is recommended for English Heritage to be consulted on such details, prior to discharging the condition.

### Wider Context

- 8.83 The 'Townscape and Visual' assessment in Chapter 11 of the EIA has considered the wider context, including the view from General Wolfe Statue in Greenwich Park. From this viewpoint the scheme will alter view 5A.1 of the 'London Panorama' of the 'View Protection Framework' as set out in the Mayor's 'London View Management Framework' 2007. The EIA visually represents and analyses the effect of the scheme on this view framework. The EIA has also had regard to Greenwich Maritime World Heritage site, which includes the Old Royal Naval College, the Fan Museum, The National Maritime Museum, The Royal Observatory, The Queens House and Greenwich Park (Grade I registered park). However, the scheme does not affect any linear views, townscape views or any protected vistas defined within the framework.
- 8.84 Although Maritime Greenwich have not commented on the subject scheme, they objected previously to the withdrawn application PA/08/274. They raise concern about the enlargement of the cluster of tall buildings to east and west of the Canary Wharf cluster, thereby creating a wall of buildings. They consider the gap is important as it visually defines Canary Wharf. Extending this group of buildings as viewed from General Wolfe Statue is therefore a concern.
- 8.85 In considering the impact of the scheme on the Canary Wharf Cluster and View 5A.1, it is noted that this report has established:
- That a tall building is acceptable;
  - The proposal's architectural style is not a concern, providing materials and finishes are conditioned.



- 8.86 Paragraph 3.53 makes specific reference to the acceptability of the incremental clustering at Canary Wharf and outlines circumstances where tall buildings outside designated clusters would be considered.
- 8.87 Specific guidance is also offered in respect of London panoramas in paragraph 3.37 which indicates:
- London panoramas are vulnerable to development in the front and middle ground;
  - Buildings in these areas should fit within the prevailing pattern of development;
  - Proposals should not detract from the panorama as a whole; and
  - Landmarks should be afforded an appropriate setting and canyoning effects should be prevented.
- 8.88 A review of the London View Framework indicates clear priorities in considering the impact of this view:
- The effect on St Paul's as the strategic Landmark,
  - Canary Wharf as another landmark,
  - The impact to the backdrop of the World heritage site (Maritime Greenwich); and
  - The effect on the panorama overall.
- 8.89 The previous objection by the Maritime Greenwich World Heritage site is necessarily concerned with the last three points.
- 8.90 The 'Townscape and Visual' assessment provided in the EIA shows before and after representations of the effect the proposal will have on Strategic Views. It concludes:
- The scheme is nowhere near the view path of St Paul's;
  - The scheme is distinct and separate to the Canary Wharf cluster of buildings;
  - The scheme would be consolidated within an undesignated cluster of taller elements that already exist and will be added to with recent approvals such as New Providence Wharf;
  - This undesignated cluster is within the backdrop of the Greenwich World Heritage site and is reflective of the form, scale and location of a series of clusters including Canary Wharf to the left and the Greenwich power station and the Millennium Dome (O2) to the right.
- 8.91 As described in the EIA, the scheme does not detract from the Canary Wharf cluster. The change in the panorama is considered to be minor, with the significance of the change being moderate and the overall effect being beneficial.
- 8.92 The EIA demonstrates that the scheme does not detract from the distinct Canary Wharf cluster, as it is visually separated. It clearly does not fill in the gap between Canary Wharf and tall elements to the north of the Isle of Dogs and Poplar. The scheme will remain within a distinct undesignated cluster of taller elements. As discussed earlier, an appropriately worded condition for materials will make certain that the scheme is a beneficial addition to the panorama. Therefore, the objection of the Maritime Greenwich World Heritage Site is not a sustainable reason for refusal.

#### **Amenity for Future Occupiers and Users**

- 8.93 The general consideration of amenity for future occupiers and Users is identified in Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3.
- 8.94 In addition to matters under the 'Housing' section of this report, results in;
- Waste and recycling storage is in accordance with Policy Dev15 'Waste and Recyclables Storage';

- The provision of secured cycle parking for residents and visitors is in accordance with Policy DEV16 'Walking and Cycling Routes and Facilities';
- The provision of car parking, including spaces for people with a disability, in accordance with Policy DEV3 'Accessibility and Inclusive Design' and DEV19 'Parking for Motor Vehicles';
- Renewable energy and sustainability in the design.

8.95 In other aspects, there are no significant adverse impacts, specifically:

- The provision of open space is in accordance with the requirements of the Interim Planning Guidance and is considered satisfactory in this regard;
- Although some window to window separation distances are at 16m, this is merely at the closest point of the spherical towers. No significant privacy, overlooking or outlook impacts result, as the outlook from the towers is a 365 degree panorama, with offset windows, rather than being single aspect buildings which directly face each other;

8.96 On balance, the overall amenity of future occupiers and users of the scheme is satisfactorily addressed and is consistent with Policy.

### **Neighbour Impacts**

8.98 Impacts during construction such as noise, dust, vibration and general disturbance, vehicular movements are temporary and not a planning consideration. Nevertheless it is noted that these will be mitigated through a construction management plan and any unreasonable or excessive impacts will be subject to investigation and enforcement action.

8.99 There are no significant neighbour impacts identified with the operation of the scheme. The overshadowing affects of the proposal were considered by the Council's Environmental Health Team and were not considered significant. There are no significant privacy/overlooking impacts and any noise or general disturbance impacts. Vehicular access and parking is discussed under 'Transport'. Any impacts to the capacity of service provision including education, health and transport will be mitigated by the s106 planning contributions.

### **Transport**

8.100 Transport provision and impact is considered in PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan (Consolidated 2008), Policies ST25, ST28, ST30, EMP10 'Development Elsewhere in the Borough' of the adopted UDP 1998 and Policies CP1 'Creating Sustainable Communities, CP41 'Integrating Development with Transport' CP43 'Better Public Transport', DEV16 'Walking and Cycling Routes and Facilities' of the Interim Planning Guidance.

8.101 The application is supported by a Transport Assessment and Travel Plan by WSP Development and Transportation (Oct '07) providing consideration of the policy context, baseline conditions in respect of the local area, public transport and road network. The report considers trip generation, impacts of the construction phase, as well as consideration of an assessment of the implications in respect of walking/cycling, public transport and road network. A travel plan is proposed.

8.102 The report concludes that the site has a good level of accessibility to sustainable modes of transport, that parking is consistent with Policy; and trips in different modes (walking, cycling, public transport) can be accommodated by the available infrastructure in the area.

### **Existing MacDonald's car parking and Drive-thru**

8.103 In respect of the provision of the MacDonald's and associated facilities, including parking

and drive-thru, this was granted permission on the site and is therefore not a reason for refusal.

#### Residential car parking design and numbers

- 8.104 The residential car storage facility has been considered by the Traffic and Transportation team in their discussions with the agent's transport consultant. The projected mechanised car parking system is considered to be acceptable and advantageous for users with a disability. Therefore there is no significant impact to warrant refusal.)
- 8.105 In respect of provision, a total of 97 spaces represents a 0.25 spaces per unit provision against policy which allows for up to 0.5 spaces per unit. Therefore the scheme is policy compliant and a reason for refusal in this regard is no sustainable.

#### Vehicle/pedestrian conflicts and safety

- 8.107 The ground floor shows an '8'-shaped circulation system for the drive through facility with vehicles entering and leaving the site at the western end. The restaurant parking is also accessed from the western end of the site, it being noted that this is an existing access and egress point for MacDonald's. The access to the residential car lift is via a separate access from the south, which also provides an egress for the restaurant parking and loading.
- 8.108 In respect of the pedestrian interface, pedestrian thoroughfares and entry points to the residential tower foyers and the ground floor commercial activities are located on the southern and eastern edges of the site. These are pedestrian only areas and are not accessible by vehicles. Consequently, there is no safety concern as there is no interaction with vehicle traffic. Where there is the possibility of interaction, it is in the area to the rear of site especially in the Macdonald's parking areas and drive-thru loop. In acknowledging the potential conflict, it is restated that the Macdonald's parking and drive-thru is existing and has operated for a considerable time. Where pedestrians may choose to take the shortest path between car parking and the restaurant entrances, the development provides for a marked pedestrian crossing, thereby alerting drivers and giving priority to pedestrians.

#### Road capacity

- 8.109 In respect of transport capacity, the Traffic and Transport Team has considered this issue. They have no objection to the development on this ground.

It should be noted that the Strategic Transport team suggest that the local highway is reaching capacity. Therefore, future applications that further intensify activity in this area may not be considered favourably on grounds of their cumulative impact upon the network.

#### Planning contributions

- 8.110 A section in the s106 agreement will include the requirement for a car-free development to prevent future occupiers from applying for parking permits in the area. Also, approximately £1.34million contributions have been secured for transport improvements.

#### Concluding remarks

- 8.111 In summary, the provision of parking for both the commercial and residential components of the scheme is acceptable. The ground level design provides separation/segregation between pedestrian and vehicles and in other instances, measures to alert drivers and to ensure pedestrians are given priority. Importantly, that pedestrian access to the residential towers does not involve interaction with vehicles. The scheme is also within the capacity of the local road network based on detailed analysis and 24hr traffic surveys. A significant planning contribution is secured for works to upgrade the Aspen Way roundabout, thereby

improving access to Shadwell DLR station. Therefore, the development is considered acceptable as it poses no significant safety impacts to warrant refusal.

### **Environmental Impact Assessment (EIA)**

8.112 A scoping opinion was prepared by Romboll Whitybird in July 2007 and commented upon by both the Environment Agency and LBTH in August 2007. Recommendations for ecological enhancements through the scheme were also made by Thomson Ecology in November 2007. Subsequently, the application is supported by an EIA addressing the following topics:

- Socio-economics, pursuant to DEV25 'Social Impact Assessment' of the Interim Planning Guidance;
- Transport and access, pursuant to Policies 3C.1 'Integrating Transport and Development' and 3C.2 'Matching Development with Transport Capacity' of The London Plan (Consolidated 2008), Policies CP41 '@integrating Development and Transport', CP 43 'Better Public Transport', DEV17 'Transport Assessments', DEV18 'Travel Plans', Dev19 'Parking and Motor Vehicles' and DEV20 'Transport Capacity' of the of the LTH Interim Planning Guidance and Policies T10 'Priorities for Strategic Management', T16 'Traffic Priorities for New Development', T18 'Pedestrians and the Road Network' and T21 'Pedestrian Needs in New Development' of the LBTH adopted UDP 1998.
- Noise and vibration, pursuant to PPG 24;
- Air quality given that the site falls within an Air Quality Management Area and pursuant to Policies DEV11 'Air Pollution and Air Quality', DEV12 'Management of Demolition and Construction';
- Land Quality, pursuant to PPS23 as well as DEV51 'Soil Tests' of the adopted and DEV22 'Contaminated Land' of the Interim Planning Guidance;
- Water Resources, pursuant to PPS 25, and Policies 'Flood Alleviation' and DEV21 'Flood Risk management' of the Interim Planning Guidance and U2 and U3 'Tidal and Flood Defences' of the adopted Plan, DEV46 'Protection of Waterway Corridors', DEV69 'Efficient Use of Water' of the adopted Plan and DEV7 'Water Quality and Conservation', DEV8 'Sustainable Drainage', of the interim Planning Guidance and Policies 2A.1 'Sustainability Criteria', 4A.16 'Water Supplies and Resources', 4A.17 'Water Quality', 4A.18 'Water and Sewerage Infrastructure' of The London Plan (Consolidated 2008)
- Townscape and Visual Amenity, pursuant to the policy identified in section 8 under 'Design';
- Microclimate (wind), pursuant to Policy CP1 'Creating Sustainable Communities', CP3 'Sustainable Environment', DEV5 'Sustainable Design', DEV27 'Tall Buildings Assessment'
- Daylight and Sunlight, pursuant to CP1, CP3, DEV1, DEV5 and DEV27 of the interim Guidance and 2A.1 of The London Plan 2004
- Aviation safety;
- Television and Radio Interference, pursuant to PPG8 DEV27 of the Interim Guidance and 4B.10 of the London Plan (Consolidated 2008)
- Waste pursuant to DEV9 of the Interim Planning Guidance and 4A.3 of The London Plan (Consolidated 2008)
- Sustainability, pursuant to PPG22, CP38 'Energy Efficiency and Production of Renewable Energy', DEV5 'Sustainable Design', DEV6 'Energy Efficiency and Renewable Energy' of the Interim Planning Guidance.

8.113 The application was supported by an Environmental Statement (ES) which was updated to reflect the variations as compared with the previous scheme PA/08/274. The following points are noted:

- Additional information was provided in respect of chapters 5 'socio-economics' and 10 'water resources' and placed re-notified. No objection was received.
- It was considered that there was sufficient information in chapter 11 'townscape

and visual' along with the plans, and other documents to fully assess the impact of the proposal. It is noted that there is no change in the appearance from the previous application which was considered to be acceptable.

- It is considered that archaeology has been adequately addressed and no further information needed. Whilst the site does not fall within an archaeological priority area, a stand-alone archaeological assessment was nevertheless provided. English Heritage (Archaeology) considered the application and recommended an appropriately worded condition and informative for investigation/recording. It is noted in the archaeology report that there is only potential for pre-historic peat deposits, there was not evidence of any significant Roman, Saxon medieval or early post medieval occupation, and that the site was part of the London docks in the 19<sup>th</sup> century.
- Notwithstanding comments by Natural England, LBTH ecology officer considers that ecology has been adequately addressed and no further information is needed. The Council's ES Scoping Report indicated that there were no negative effects expected and that the site has very few ecological features. It was suggested that this situation could be significantly improved by providing brown roofs. As part of the application, brown roofs are proposed. Also, the site survey by Thomson Ecology concluded that there was limited potential for nesting birds and negligible ecological value in general. Therefore, no further surveying was recommended. The Council's Ecology Officer, Parks and Open Spaces, has assessed the scheme and raises no objection.

### **S106 Planning Contributions**

- 8.115 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations. Obligations can take the form of private agreements or unilateral undertakings given by a developer and are *'intended to make acceptable development which would otherwise be unacceptable in planning terms'*.
- 8.116 Planning obligations can be used in the following three ways:
- (i) They may be used to *prescribe* the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable;
  - (ii) Secondly they may require a contribution to *compensate* against loss or damage that will result from a development. For example loss of open space;
  - (iii) Thirdly obligations may be used to *mitigate* against the impact of a development. For example through increased public transport provision.
- 8.117 Planning Obligations should only be sought where they are found to meet the 5 key tests of the Secretary of States policy, as outlined in Circular 05/2005. The tests should be considered in conjunction with the guidance contained within the circular and can be summarised as follows: -
- (i) relevant to planning;
  - (ii) necessary to make the proposed development acceptable in planning terms;
  - (iii) directly related to the proposed development;
  - (iv) fairly and reasonably related in scale and kind to the proposed development; and
  - (v) reasonable in all other respects.
- 8.118 Circumstances may arise where it is not feasible for a development scheme to be both economically viable and compliant with all local, regional and national planning policy requirements. Guidance within the circular states that in such cases, *'where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what the balance of contributions*

*should be*'.

- 8.119 Similarly the circular states that decisions on the amount of contributions '*should be based [on] negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place*'.
- 8.120 Policy DEV4 of the adopted UDP and Policy IMP1 of the emerging Local Development Framework, Submission Document clearly indicate that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.121 The agent initially submitted an affordable housing toolkit, advising that various matters including exceptional building costs, would only allow for a planning contribution of £5,000 per unit and 28% affordable housing. Following LBTH negotiations, the agent has agreed to contribute £8,000 per unit and 30% affordable housing. This revised contribution is considered acceptable. Consequently, the total contribution is less than the previous application, owing to the reduction in residential C3 units from 395 to 355. Contributions for the current scheme are recalculated on a pro-rate basis.
- 8.122 In respect of a healthcare contribution, the Primary Care Trust (PCT) requested the developer contribute £2,093,574 health (£482,091 Capital + £1,611,482 Revenue) towards primary care needs of future residents. Given the range of contributions being sought for this site, the five tests of the Circular 05/2005 as well as a pro-rata rate of what was agreed for PA/08/274, it is considered that seeking only the capital component **£488,480.00** can be readily justified.
- 8.123 The reason for this is because doubt has been cast over the consistency of the HUDU model and its application in Tower Hamlets, the detail of which has been considered in two recent Appeal cases:
- Appeal made by Bernard Construction (Stepney) Ltd against the Council of the London Borough of Tower Hamlets (Former Police Station and Magistrates Court, East Arbour Square and West Arbour Square, London E1 0PU) – 29 March 2007; and
  - Appeal made by Virsons Ssas against the Council of the London Borough of Tower Hamlets (10 – 22 Dunbridge Street, London, E2 6JA) – 18 June 2007.
- 8.124 To summarise both cases, the Planning Inspectorate found that:
- The HUDU model has little current policy backing for its use as yet;
  - There is a lack of in-depth information provided regarding the inputs in their analysis (spreadsheet);
    - There are no details of capacity of health services in an area, need or slack in the system.
    - Furthermore, the model does not have a geographical or functional link to the proposal. The exact nature or location of any revenue spent/ improvement of healthcare is not identified; and
    - With regard to revenue, the HUDU model relies on the timing of development relative to a 2/3 year funding cycle. However, the harm that is sought to be mitigated may only appear on occupancy, which could occur much later.
- 8.125 Whilst the Planning Inspectorate indicated that healthcare obligations were reasonable requests in most instances, the appeal examples (and this application) do not fully justify the healthcare contributions required by the PCT. As such, the inspectors concluded that, in these particular circumstances, the health contributions would not accord with all the tests in the Circular 05/05. The Circular states that planning obligations can only be sought where they meet all of the five tests.

- 8.126 The Inspectors found that the healthcare obligations had not been shown to be necessary to make the proposed development acceptable in planning terms. Similarly, the obligations had neither been demonstrated to be directly related to the proposed development, nor to be fairly related in scale and kind to the proposed development.
- 8.127 The request from the PCT shows no real evidence of the capacity, need or slack of existing health facilities in the area which might serve the appeal site, nor any indication as to whether or not additional provision would be necessary to meet the demands made by the development. Moreover, the exact nature, location or timing of the proposed new service has not been identified.
- 8.128 In line with the Appeal decisions mentioned above, and recent Planning Committee decisions, the proposed development is similar in that there is insufficient evidence to convince the Planning Department that the requested obligation is directly related to the proposed development, necessary to make it acceptable in planning terms, or fairly and reasonably related in scale and kind to the proposed development.
- 8.129 The request for the financial revenue contribution in this instance is therefore considered to be unreasonable where it may fail to comply with Circular 05/05. The pro-rata contribution which covers the capital contribution (**£482,091.00**) however is considered to be satisfactory.
- 8.130 In respect of an education contribution, the developer will contribute **£542,440.00** towards the education needs of future residents not covered by existing provisions. This represents a pro-rata contribution previously requested by LBTH Education in respect of the previous application PA/08/274.
- 8.131 In respect of affordable housing, the scheme comprises of 30% affordable residential units, and includes studio, 1, 2, 3, and 4 bedroom apartments, with a split of 70:30. A summary table is provided in section 4 as well as discussion of the provision is provided previously in section 8 under 'Housing'.
- 8.132 In respect of transport, the Traffic and Transportation Team verbally confirmed the acceptability of a pro-rata contribution of **£1,340,480.00** for improvements to Aspen Way roundabout and pedestrian linkages especially to the Blackwell DLR station to the north east.
- 8.133 There will also be standard S278 highway improvements/ modifications, including: new access points, modification of existing access points and general repaving as required. No formal advice had been received from TFL in respect of contributions they would consider appropriate such as contributions towards buses or the DLR although this may be provided through the Stage 2 comments from the GLA.
- 8.134 A 'Car Free' agreement is recommended to restrict the occupants from applying for residents parking permits in the area.
- 8.135 In respect of other heads of terms, British Waterways (BW) have requested a contribution for upgrade and improvement of BW land adjacent Poplar Dock which will serve as open space. The agent indicate an initial independent estimate of £560,000.00 for such works as part of the previous application PA/08/274. However, given the available monies potentially secured and the current estimate for the transport contributions, a contribution of £522,989.00 was realistic. A pro-rata **£468,600.00** is secured as part of this application. The agreement will include the requirement for the design, including landscaping to be submitted for approval in writing to LBTH prior to commencement. Council's arboriculturalist and Parks and Landscape team, as well as British Waters and Natural England, will need to consider the detailed design prior to commencement.

- 8.136 Other heads of terms include Transport Assessment, TV/radio reception monitoring and impact mitigation, employment/training initiatives and public art opportunity.
- 8.137 Overall, the revised planning contributions negotiated by LBTH with the developer are considered to be acceptable, in line with the guidance of the Circular, and will mitigate the impacts of the development.

## **9.0 Conclusions**

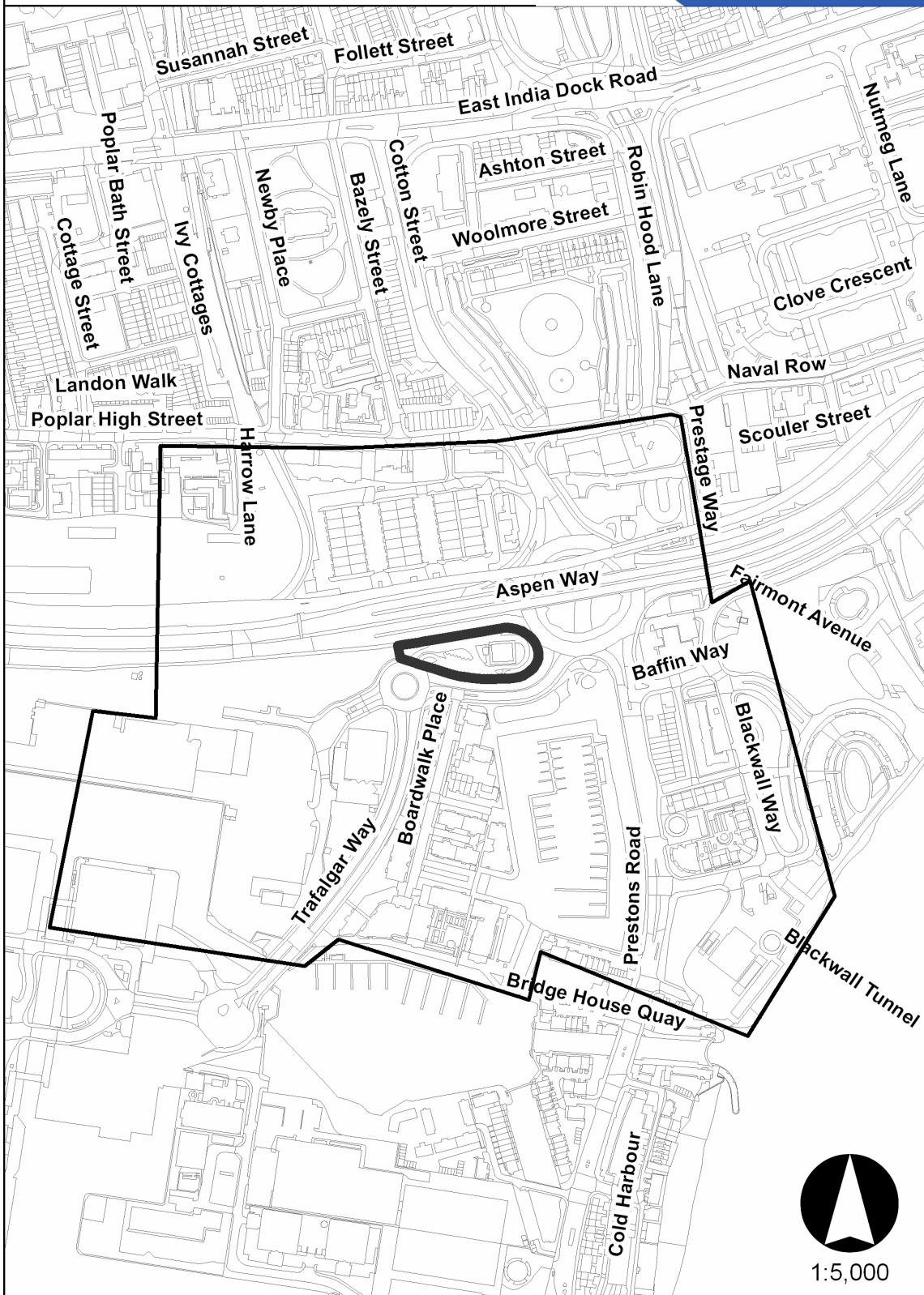
- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

### **List of Appendices**

- **Site Plan**
- **29<sup>th</sup> May 2008 Committee Recommendation and Report for PA/08/00274**



Planning Application  
Site Map



1:5,000



Planning Application Site Boundary



Consultation Area



Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

