

<b>Strategic Development</b>	<b>Date:</b> 15 <sup>th</sup> April 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.1
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Application for planning permission	
<b>Case Officer:</b> Richard Humphreys		<b>Ref:</b> PA/08/2293	
		<b>Ward:</b> Millwall	

## 1. APPLICATION DETAILS

**Location:** The City Pride Public House, 15 Westferry Road, E14.

**Existing use:** Public House

**Proposal:** Erection of a 62-storey tower including basements, comprising 430 residential apartments (Class C3), amenity spaces and car parking; a nine storey podium building comprising a 203 bedroom hotel (Class C1), together with ancillary restaurants, conference facilities, health club and servicing and parking areas including drop-off facility; provision of a Class A3 and/or A4 use and/or amenity space at levels 60/61; provision of a unit for use either for Class A1 (Shop), A2 (Financial and professional services), A3 (Food and drink) and/or A4 (Drinking establishment) at ground floor; associated landscaping; together with incidental works.

The application for planning permission is accompanied by an Environmental Impact Assessment pursuant to the Town And Country Planning (Environmental Impact Assessment) Regulations 1999.

**Drawing Nos:** AP1000 Rev 01, AP1001 Rev 01, AP1010, AP1096 Rev 01, AP1097 Rev 01, AP1998 Rev 01, AP1999 Rev 01, AP1100 Rev 02, AP1101 Rev 02, AP1102 Rev 02, AP1103 Rev 02, AP1104 Rev 02, AP1108 Rev 01, AP1109 Rev 01, AP1110 Rev 01, AP1114 Rev 02, AP1115 Rev 01, AP1117 Rev 01, AP1133 Rev 01, AP1135 Rev 01, AP1136 Rev 01, AP1138 Rev 01, AP1139 Rev 01, AP1140 Rev 01, AP1142 Rev 01, AP1158 Rev 01, AP1159 Rev 01, AP1160 Rev 01, AP1161 Rev 01 and AP1162 Rev 01.

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

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans, adopted UDP, London Plan, emerging LDF and Isle of Dogs AAP		Development Control 020 7364 5338

Environmental Statement Volumes 1, 2 & 3 with Non-Technical Summary and Additional Regulation 19 Information.  
Design and Access Statement.  
Energy Statement.  
Statement of Community Involvement.  
Affordable Housing Statement and Economic Appraisal.

**Applicant:** Glenkerrin (UK) Limited.

**Owners:** Glenkerrin (UK) Limited

**Historic buildings:** Walls of adjoining Impounding Lock listed Grade 2.

**Conservation area:** N/A

## **2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

2.1. The local planning authority has considered the particular circumstances of the application against the Council's approved planning policies contained in the Tower Hamlets Unitary Development Plan 1998, the Council's interim planning guidance 2007, associated supplementary planning guidance, The London Plan 2008 and Government Planning Policy Guidance and has found that:

- The provision of residential accommodation on the City Pride site is supported by policy 3A.1 of The London Plan, accords with the Proposals Map of the Council's interim planning guidance 2007 and policies IOD19 and IOD22 of the Council's Isle of Dogs Action Area Plan interim planning guidance 2007 which seek to increase London's supply of housing.
- The hotel will contribute to the strategic target for new hotel accommodation and complement Canary Wharf's role as a leading centre of business activity and support London's world city status. The scheme accords with policy 3D.7 of The London Plan 2008, policies ART7 and ART8 of the Tower Hamlets Unitary Development Plan 1998, policy CP13 of the Council's interim planning guidance 2007, and policy IOD18 of the Isle of Dogs Area Action Plan 2007 interim planning guidance, which seek to develop and support Canary Wharf's role as a leading centre of business activity within London with appropriately located hotel development.
- The proposed residential density of the City Pride site is above the guidance range contained within table 3A.2 of The London Plan. However, the development would not be out of context with the surroundings and the site's location on the Isle of Dogs and would not result in any of the consequences typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of The London Plan 2008, policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's interim planning guidance 2007 which seek appropriate development

throughout the borough.

- The provision of Class A1 (Shop), A2 (Financial and professional services), A3 (Restaurant /café) and A4 (Drinking establishment) uses are acceptable in principle as they provide useful community services and visual interest in line with policies DEV3 and S7 of the Tower Hamlets Unitary Development Plan 1998 and policies RT4 and RT5 of the Council's interim planning guidance 2007, which seek to ensure services are provided that meet the needs of the local community and the evening and night-time economy without undue detriment to residential amenity.
- The building height, scale and design is acceptable in line with the English Heritage and CABE criteria for tall buildings; policies 4B.1, 4B.8, 4B.9 and 4C.20 of The London Plan, policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP4, CP48, DEV1, DEV2 and DEV 27 of the Council's interim planning guidance 2007 which seek to ensure tall buildings are of a high quality design and suitably located.
- The development will preserve the setting of the listed Impounding Lock walls adjoining and will comply with Planning Policy Guidance Note 15 and policy CON1 of the Council's interim planning guidance 2007.
- Considered with the parallel redevelopment of Island Point, 443-451 Westferry Road (Ref. PA/08/2292) and taking account of the submitted Affordable Housing Statement and Economic Appraisal, the provision of 41.5% affordable housing across the two sites with a tenure comprising a minimum of 71% social rented and 29% intermediate housing and up to an 80:20 split, broadly complies with The London Plan policies 3A.9, 3A.10 and policies CP22, HSG3 and HSG4 of the Council's interim planning guidance 2007.
- Considered with the parallel redevelopment of 443-451 Westferry Road, (Island Point) (Ref. PA/08/2293), the proposed residential mix across the two sites would be satisfactory as an exception to policy HSG2 of the Council's interim planning guidance 2007.
- Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and in line with policy T16 of the Council's Unitary Development Plan 1998 and policies DEV16, DEV17, DEV18 and DEV19 of the Council's interim planning guidance 2007, which seek to ensure developments can be supported within the existing transport infrastructure.
- The development complies with the Blue Ribbon Network Principles set out in The London Plan 2008 and is in line with policies 4C.3, 4C.11, 4C.14, and 4C.23.
- Sustainability and renewable energy matters are appropriately

addressed in line with policies 4A.7 – 4A.9 of The London Plan and policies DEV5 – 9 and DEV 11 of the Council's interim planning guidance 2007, which seek to ensure developments reduce carbon emissions and result in sustainable development through design measures, water quality, conservation, sustainable drainage, sustainable construction materials, air pollution and air quality.

- Contributions have been secured towards the provision of highway and public transport improvements, community and open space provision, education provision and health care, together with the implementation of travel plans in line with Circular 05/2005, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's interim planning guidance 2007, which seek to secure contributions toward infrastructure and services required to facilitate development.
- The submitted Environmental Impact Assessment supplemented by Additional Information is satisfactory, including the cumulative impact of the development, with mitigation and safeguarding measures to be implemented through conditions and a recommended legal agreement.

### 3. RECOMMENDATIONS

3.1. 1. That the Committee resolves to **GRANT** planning permission subject to:

A. Any direction by The Mayor of London.

B. The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:

- (a) To provide a minimum of 41.5% of the residential accommodation across both the City Pride, 15 Westferry Road and Island Point (443-451 Westferry Road) sites as affordable housing measured by habitable rooms with a tenure split of 71% social rented and 29% intermediate housing.
- (b) An additional £1,869,759.50 over and above the 41.5% affordable housing provision, to convert some of the intermediate housing at Island Point into social rented housing up to an 80:20 social rented : intermediate housing split dependent on housing grant.
- (c) A mechanism to ensure that the affordable housing at the Island Point site is provided prior to the completion of the on-site market housing at both sites.
- (d) A £220,000 **Bus Network Contribution** comprising £200,000 to fund improvements to local bus services and £20,000 to fund the upgrading of bus stops.
- (e) To fund and implement a **Transport Plan** comprising:
  - The submission and implementation of a hotel and residential travel plan,

- a delivery service plan and a construction logistics plan.
- To provide, install and maintain DAISY board(s) to provide driver and transport information.
- Car free arrangements that prohibit residents of the development other than disabled people from purchasing on street parking permits from the borough council.

(f) A **Community and Open Space Contribution** of £878,165 to help fund open space improvements, leisure facilities and Library / Idea Store facilities on the Isle of Dogs.

(g) A **Highway Improvement Works Contribution** of £217,140.

(h) An **Education Contribution** of £382,602.

(i) A **Healthcare contribution** of £741,548 to help fund the capital programme of the Tower Hamlets Primary Care Trust.

(j) To participate in the Council's Access to Employment and / or Skillsmatch programmes.

(k) To commission **Public Art** within the development at a cost of at least £35,000.

(l) To undertake any necessary **Television and radio reception** mitigation measures.

(m) Any other planning obligation considered necessary by the Corporate Director Development & Renewal.

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

3.3. That the Head of Development Decisions is delegated power to issue the planning permission and impose conditions (and informatives) to secure the following:

3.4. **Conditions**

1. 3 year time limit.
2. Facing materials to be approved, including a sample mock up panel of typical external cladding systems, including louvres, glazing and spandrels.
3. Details of landscaping for the external areas of the development to include hard and soft finishes, any gates, walls fences, green roofs and external lighting to be submitted and approved.
4. Approved landscaping scheme to be implemented.
5. Details of acoustic glazing and ventilation for all four facades of the building adequate to protect residents from Noise Exposure Categories D and C shall be submitted approved and implemented.
6. No Class A3 (Café / restaurant) or Class A4 (Drinking establishment) use

shall commence until details of the means of fume extraction, to include noise mitigation measures, have been submitted and approved by the local planning authority. Such measures to be implemented and maintained for the duration of the use.

7. Measures to mitigate wind impact at ground level around the building and at terrace levels shall be submitted approved and implemented.
8. Details of aircraft obstacle lighting to be submitted approved and implemented.
9. Prior to the commencement of the relevant works of the development, the developer shall submit the following details to be approved in writing by the local planning authority;
  - (a) Energy efficiency and passive design measures demonstrating these measures have been maximised for the residential units and also demonstrate why the dwellings cannot be passively cooled and why a centralised cooling network cannot be provided,
  - (b) Demonstrate the residential dwellings within the City Pride scheme and all of City Pride Heating requirements will be served by the City Pride district heating network , from either the combined heat and power (CHP) plant plus additional top-up heat generating plant or the Barkantine District heating network or a combination of both.
  - (c) Details of the extension of the Barkantine heat network to the City Pride Energy Centre.
  - (d) Details of the renewable energy technologies including the details of the dock water and aquifer cooling system and the details of the PV panels including demonstration that these technologies have been maximised.
10. Prior to the occupation of the of the residential element of the development, the following details shall be submitted to and approved in writing by the local planning authority;
  - (a) Evidence demonstrating the dwellings within the City Pride scheme, the City Pride Energy Centre is installed and operational and serves the City Pride heating loads using the City Pride District Heating network, from either the combined heat and power (CHP) plant plus additional top-up heat generating equipment, or the Barkantine District heating network or a combination of both.
  - (b) Evidence of a physical connection from the Barkantine heat network extension to the City Pride Energy Centre.
  - (c) Evidence confirming there is no form of auxiliary heating sources installed at the dwelling level, including any use of electricity and or gas within the dwellings for the purposes of generating heat.
  - (d) Evidence demonstrating that the cooling requirements of the City Pride development are partially supplied using water from the adjoining dock unless detailed feasibility studies indicates this is not possible.
11. In accordance with the proposals made in the Energy Strategy dated October 2008, the approved low carbon and renewable energy technologies shall be implemented and retained for so long as the development shall exist except to any extent approved in writing by the local planning authority.
12. Prior to the commencement of the relevant works of the development,

the developer shall submit the details to be approved in writing by the local planning authority of the;

- (a) BREAM pre-assessment demonstrating the commercial element of the development is capable of achieving a minimum of an 'Excellent' rating.
  - (b) Code of Sustainable Homes pre-assessment demonstrating that the residential units of the development are capable of achieving a minimum of Code Level 3 and Code Level 4 where possible.
13. Prior to the occupation of the development, the developer shall submit details to be approved in writing by the local planning authority of the;
- (a) Final BREEAM assessment showing the commercial element of the developments achieves an 'Excellent' rating as a minimum which is verified by the awarding body.
  - (b) Final Code for Sustainable Homes Assessment showing the residential units achieve Code Level 3 as a minimum and Code Level 4 where possible which is verified by the awarding body.
14. The approved details of the sustainable design and construction measures shall be implemented and retained for so long as the development shall exist except to any extent approved in writing by the local planning authority.
15. The development shall be carried out in accordance with the Flood Risk Assessment Ref. WCL37555 (ES) 002/A03 dated October 2008.
16. Surface water control measures shall be carried out in accordance with details to be submitted to and approved in writing by the local planning authority.
17. Development shall not begin until drainage details incorporating sustainable drainage principles and water efficiency measures have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
18. The construction of storage facilities for oils, fuels or chemicals shall be carried out in accordance with details submitted to and agreed in writing by the local planning authority.
19. There shall be no infiltration of surface water drainage into the ground other than with the express written consent of the local planning authority.
20. No piling or other foundation design using penetrative methods shall be undertaken other than with the express written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
21. Development should not be commenced until Impact Studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority. The Studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
22. Decontamination of the site.
23. Hours of construction time limits (08.00 to 18.00) Monday to Friday, 08.00 to 13.00 Saturdays and not at all on Sundays or Bank Holidays.
24. Piling hours of operation time limits (10.00 to 16.00 Mondays to Fridays, 10.00 to 13.00 Saturdays) and not at all on Sundays or Bank Holidays.
25. The development authorised by this permission shall not commence until

the Council (as local planning authority and the highway authority) has approved in writing a scheme of highway improvements necessary to serve the development being alterations to the adopted length of Westferry Road and Marsh Wall.

26. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

### 3.5 **Informatives**

1. Planning permission subject to section 106 agreement.
2. Planning permission under section 57 only.
3. Express consent required for the display of advertisements.
4. Wheel cleaning facilities during construction.
5. Change of use only as permitted by Part 3 of the Town and Country Planning (General Permitted Development) Order 1995.
6. Protected species advisory note (Bats).
7. Consultation with the Council's Department of Traffic and Transportation regarding alterations to the public highway and Condition 24 above that will necessitate an agreement under section 278 of the Highways Act.
8. As the development would be taller than 150 metres, it should be equipped with aircraft obstacle lighting at the highest corners. The lighting should be steady red lights of medium intensity and advice should be sought from London City Airport to determine the location and number of lights to be fitted.
9. In the event that during construction, cranes or scaffolding are required that would be higher than the approved development, their use should be subject to consultation with London City Airport. Your attention is drawn to the British Standard Code of Practice for the safe use of cranes – BS 7121: Part 1: 1989 (as amended).
10. You are advised to consult British Waterways Board regarding its adjoining interests and the mitigation of the impact of the pumping station on the development.
11. You should consult the Environment Agency, 30-34 Albert Embankment, London SE1 7TL (Ref. TL/2008/101636/02-L01) regarding the need for a transfer licence under the Water Act 2003, surface water control measures (Condition 15), drainage details (Condition 16), the design of the storage facilities for oils, fuels or chemicals (Condition 17), the disposal of surface water from the underground car park and the design of the foundations of the building (Condition 18).
12. There are public sewers crossing the site. In this regard and also with regard to surface water drainage, foul sewage and the impact studies of the existing water supply infrastructure required by Condition 20, you should consult Thames Water Developer Services Tel. 0845 850 2777 Ref. 7275.
13. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

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

### **Proposal**



- 4.1. Application is made for full planning permission for the redevelopment of the City Pride Public House, 15 Westferry Road by the erection of a 62-storey tower including basements, comprising 430 residential apartments (Use Class C3), amenity spaces and car parking; a 9-storey podium building comprising a 203 bedroom hotel (Use Class C1), together with ancillary restaurants, conference facilities, health club and servicing and parking areas including drop-off facility; provision of Class A3 (Food and drink) and/or A4 (Drinking establishment) use and/or amenity space at levels 60/61; provision of a unit for use either for Class A1 (Shop), A2 (Financial and professional services), A3 (Food and drink) and/or A4 (Drinking establishment) at ground floor; associated landscaping; together with other incidental works.
- 4.2. The application is linked to a proposal at Nos. 443-451 Westferry Road (Island Point) towards the southern end of the Isle of Dogs (Ref. PA/08/2292). The application affecting Island Point is reported separately on this agenda following deferral by the Committee at its meeting on 19<sup>th</sup> February 2009. The applications are linked regarding the provision of affordable housing and dwelling mix. It is proposed that the majority of the affordable housing provision is made at Island Point in lieu of the bulk of the obligation arising from the City Pride development. It is proposed that the majority of the private residential accommodation will be within the high rise, high density tower at the City Pride site and Island Point will be a lower density scheme with a focus on affordable family accommodation.
- 4.3. Specifically, at the City Pride site it is proposed that 5% of the total habitable rooms of the dwellings within the development would be a shared ownership affordable housing units. This amounts to 18 dwellings comprising 50 habitable rooms. At Island Point, 91.6% of the total habitable rooms of the dwellings are proposed to be affordable housing units. This amounts to 166 dwellings comprising 700 habitable rooms to be provided for social rented units (118 dwellings) and as intermediate units (48 dwellings). The applicant has also offered an “enhanced position” contingent upon the receipt of social housing grant. This would result in an 80:20 split between social rented and intermediate housing. The affordable housing offer is summarised at paragraph 8.64 below and in the parallel update report on the Island Point development where it is also discussed following the Committee’s deferral of the consideration of the Island Point application at its meeting of 19<sup>th</sup> February 2009.

#### **Site and surroundings**

- 4.4. The City Pride Public House lies at the northern end of the Isle of Dogs just south of Westferry Circus. The site is bounded by the A 1206 Westferry Road to the west, Marsh Wall to the east and a 1920’s British Waterways pumping station to the north. The pumping station adjoins a Grade 2 listed impounding lock that leads from the River Thames to West India Dock South.
- 4.5. The 0.2 hectare site is currently occupied by a 2-storey public house, a beer garden and an associated car park with approximately 30 spaces. There is vehicular access from both Westferry Road and Marsh Wall.

- 4.6. Immediately to the south of the site is a high rise residential development at Nos. 22-28 Marsh Wall, known as or the 'Landmark' which is currently under construction. To the west of Westferry Road, south of Westferry Circus, lies the large vacant site known as 'Riverside South'. South of Riverside South and the impounding lock lie the residential blocks 'Cascades' and 'Quayside'. Between Cascades and Westferry Road is a tennis court and an extensive area of open space.
- 4.7. There are two schools in the local area; Seven Mills Nursery School approximately 500 metres south of the site and Arnhem Wharf Primary School some 900 metres to the south.
- 4.8. The site lies some 380 metres west of Heron Quays DLR Station, 450 metres west of South Quay DLR Station and 480 metres west of Canary Wharf Station on the Jubilee Line of the Underground Railway.
- 4.9. The nearest bus stops to the site are situated on Marsh Wall, Westferry Road, Westferry Circus Upper Level and West India Avenue. All bus stops are located within 190 to 250 metres of the site, equating to a walk time of less than 5 minutes. There are a total of five bus routes which serve these bus stops: Routes 277; D3; D7; D8 and 135. Riverboat services also operate from the nearby Canary Wharf pier. The public transport accessibility level of the site is 6a (on a scale where 6 is high and 1 is low).
- 4.10. The A1261 Aspen Way, which forms part of the Transport for London Road Network, is approximately 680 metres to the north.
- 4.11. There are two other public houses in the vicinity. These are No. 25 Westferry Road 135 metres south of the City Pride and at No. 41 Westferry Road 180 metres distant.

#### **Material planning history**

- 4.12. A similar application to the current proposal was lodged in August 2008. It was withdrawn undetermined following concern about a then proposed 14-storey hotel podium block which has been reduced to 9-storeys in the current application.
- 4.13. On 15<sup>th</sup> March 2007, the Strategic Development Committee approved the redevelopment of 22-28 Marsh Wall (adjoining the City Pride) to provide 802 dwellings and 3,267 sq. m of commercial floorspace.
- 4.14. On 9<sup>th</sup> October 2008, the Strategic Development Committee approved the redevelopment of 'Newfoundland' (bounded by Park Place, Westferry Road & Heron Quays Road) by a development that included the erection of a 37 storey tower and a part 4/5 storey podium comprising a 150 bedroom hotel and 78 serviced apartments.
- 4.15. On 19<sup>th</sup> February 2009, the Strategic Development Committee approved in principle amendments to a development approved on the 22<sup>nd</sup> February 2008 (PA/07/935), for the redevelopment of the Riverside South site by Class B1

office buildings (341.924 sq. metres) and Class A1, A2, A3, A4 and A5 uses comprising of two towers (max 241.1 metres and 191.34 metres high) with a lower central link building (80.05 metres high) together with an ancillary parking, service and access roads, public open space, riverside walkway and landscaping including public art and other ancillary works (PA/08/2249).

## 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:

### 5.2. Spatial Development Strategy for Greater London (The London Plan 2008)

Policies	2A.1	Sustainability criteria
	2A.5	Isle of Dogs Opportunity Area
	3A.1	Increasing London’s Supply of Housing
	3A.2	Borough housing targets
	3A.3	Maximising the potential of sites
	3A.5	Housing choice
	3A.6	Quality of new housing provision
	3A.7	Large residential developments
	3A.8	Definition of Affordable Housing
	3A.9	Affordable housing targets
	3A.10	Negotiating affordable housing in individual private residential and mixed-use schemes
	3A.18	Protection and Enhancement of social infrastructure and community facilities
	3A.20	Health objectives
	3A24	Education facilities
	3B.1	Developing London’s economy
	3C.1	Integrating transport and development
	3C.2	Matching development to transport capacity
	3C.3	Sustainable Transport
	3C.9	Increasing capacity and quality of public transport
	3C.23	Parking strategy
	3D.7	Visitor accommodation and facilities
	3D.8	Open space and green infrastructure
	3D.12	Open space strategies
	3D.13	Children and young people’s play strategies
	4A.1	Tackling climate change
	4A.2	Mitigating climate change
	4A.3	Sustainable design and construction
	4A.4	Energy assessment
	4A.5	Heating and cooling networks
	4A.6	Decentralised energy
	4A.7	Renewable Energy
	4A.9	Adapting to climate change
	4A.11	Living roofs and walls
	4A.12	Flooding
	4A.13	Flood risk management

4.A.14	Sustainable drainage
4A.16	Water supply and resources
4A.17	Water quality
4A.19	Improving air quality
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
4B.6	Safety, security and fire prevention
4B.8	Respect local context and communities
4B.9	Tall buildings - location
4B.10	Large scale buildings, design and impact
4B.11	London's built heritage
4.B.12	Heritage conservation
4C.8	Freight uses on the Blue Ribbon Network
5C.3	Opportunity areas in North East London
6.A.4	Planning obligation priorities
6A.5	Planning obligations

### 5.3. **Tower Hamlets Unitary Development Plan 1998 (saved policies)**

#### Proposals:

##### 1. Flood Protection Area

#### Policies:

- ST23 - High Quality Housing
- ST25 - Housing to be adequately served by all infrastructure
- ST28 - Restrain unnecessary use of private cars
- ST30 - Improve safety and movement for all road users
- ST37 - Enhancing Open Space
- ST43 - Public Art
- ST47- Provision of training Initiatives
- ST49 - Provision of social and community facilities
- ST50 - Provision of medical services
- DEV1 - Design Requirements
- DEV2 - Environmental Requirements
- DEV3 - Mixed Use Developments
- DEV4 - Planning Obligations
- DEV12 - Provision of Landscaping
- DEV50 - Noise
- DEV51 - Contaminated land
- DEV55 - Development and Waste Disposal
- DEV56 - Waste Recycling
- DEV69 - Efficient Use of Water
- HSG7 - Dwelling Mix and Type
- HSG13 - Internal Space Standards
- HSG16 - Housing Amenity Space
- T16 - Traffic Priorities for New Development
- T18 - Pedestrians and the Road Network
- T21 - Pedestrians Needs in New Development

OS9 - Children's Play space  
 ART7 - Tourist accommodation  
 U2 - Development in Areas at Risk from Flooding  
 U3 - Flood Protection Measures

5.4. **Interim planning guidance: Tower Hamlets Core Strategy and Development Control Plan September 2007**

Proposals: 1. Flood Risk Area  
 2. Development site ID 26

Core Strategies	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job creation and growth
	CP12	Creative and Cultural Industries and Tourism
	CP13	Hotels, Serviced Apartments & Conference Centres
	CP17	Evening and night-time economy
	CP19	New housing provision
	CP20	Sustainable residential density
	CP21	Dwelling mix
	CP22	Affordable housing
	CP25	Housing amenity space
	CP27	Community facilities
	CP29	Improving education and skills
	CP30	Improving Quality and Quantity of Open Space
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency & Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP43	Better public transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment

Development	DEV1	Amenity
Control	DEV2	Character & Design
Policies:	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	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
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV25	Social impact assessment
DEV27	Tall buildings
RT5	Evening and Night –time Economy
RT6	Loss of Public Houses
HSG1	Determining residential density
HSG2	Housing mix
HSG3	Affordable housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing amenity space
HSG9	Accessible and Adaptable Homes
OSN3	Blue Ribbon Network and Thames Policy Area
CON1	Listed buildings

5.5. **Interim planning guidance: Tower Hamlets Isle of Dogs Action Area Plan September 2007**

Policies	IOD1	Spatial strategy
	IOD2	Transport and movement
	IOD3	Health provision
	IOD4	Education provision
	IOD5	Public open space
	IOD7	Flooding
	IOD8	Infrastructure capacity
	IOD10	Infrastructure and services
	IOD18	Employment uses in the Central sub-area
	IOD19	Residential uses in the Central sub-area
	IOD20	Retail and leisure uses in the Central sub-area
	IOD21	Design and Built Form in the Central sub-area
	IOD22	Site allocations in the Central sub-area. Site ID26: Preferred Uses:
		<ul style="list-style-type: none"> <li>• Residential (C3)</li> <li>• Employment (B1)</li> <li>• Retail and Leisure (A2, A3, A4)</li> </ul>

5.6. **Supplementary Planning Guidance/Documents**

Residential Space  
 Designing Out Crime  
 Landscape Requirements  
 The Mayor of London’s Housing Supplementary Planning Guidance

5.7. **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS22	Renewable Energy
PPG24	Noise
PPG 25	Development and Flood Risk

5.8. **Community Plan**

The following Community Plan objectives relate to the application:

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

6. **CONSULTATION RESPONSE**

6.1. The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application. The accompanying Environmental Impact Assessment has been amended to provide additional information which has been subject to statutory publicity and public notification including press and site notices.

**Greater London Authority (Statutory consultee)**

6.2. At Stage 1, the mayor advised:

- Principle of use – The City Pride proposal supports the Isle of Dogs interdependence with central London and the Central Activities Zone and is supported by policy 5G.3 of The London Plan.
- Density – The proposed residential density of the City Pride site is above the guidance range contained within table 3A.2 of The London Plan. However, it is not out of context with the surrounding development and the site location on the Isle of Dogs.
- Children’s play space – There is discrepancy over the estimated child population and the proposal fails to provide enough play space for children less than 5 years of age. No play strategy has been submitted and it is not clear if there is adequate surrounding play space to accommodate the residents of the development. As a result, the proposal does not comply with policy 3A.13 of The London Plan.
- Climate change mitigation – More information is required to assess the passive design measures proposed for the residential units. It is not clear why the Barkantine heat network cannot provide more of the heat demand of the development. The applicant has not secured the use of dock or aquifer water. It is not clear why dock or aquifer water cannot be used as direct cooling to the residential units. As a result, the proposal

fails to comply with the policies within chapter 4A of The London Plan.

- Air quality – The biomass boiler is not expected to have a detrimental impact upon air quality and the proposal complies with policy 3A.19 of The London Plan.
- Climate change adaptation - The proposals incorporate passive design measures, including natural ventilation, low energy lighting and increased insulation. The proposals also include sustainable urban drainage. All units will be fitted with water meters and rainwater harvesting and water attenuation systems will be provided. The proposal complies with policies 4A.10, 4A.14 and 4A.16 of The London Plan.
- Transport – The data used for the modal split and trip rate estimate is not suitable. The proposal would contribute to the already congested Upper Bank Street/Aspen Way junction and Preston's Road roundabout. It would also increase the number of bus passengers generated by the development. No on-site shower and change facilities within the non-residential uses. A number of the dropped kerbs along Westferry Road are in poor condition. No contribution towards DAISY boards. No delivery service plan or construction logistics plan. The proposal fails to comply with polices contained with chapter 3C of The London Plan.

6.3. The mayor advised that on balance the application does not comply with The London Plan but the following remedies could address the deficiencies:

- Children's play space: The methodology used by the applicant to estimate the child population should be submitted with details of the surrounding parks, including their size, capacity, accessibility and suitability.
- Climate change mitigation: The applicant should confirm whether there is more room to reduce the energy demand in the residential units and the thermal insulation of the building envelope improved. The applicant needs to clarify that the Barkantine heat network is not able to provide all of the heat requirements of the development. The applicant should develop an alternative renewable energy strategy in case aquifer or dock water use is not possible. The applicant should clarify why dock water could not be used to provide 'direct' cooling to the residential element.
- Transport: To be fully compliant with The London Plan the following transport issues should be addressed:
  1. A revised trip generation assessment with reference to the Isle of Dogs Cordon Survey 2007, the Canary Wharf Employee Survey 2007 and the Census data 2001 should be submitted.
  2. A contribution of £250,000 to help fund a study of Upper Bank Street / Aspen Way signal-controlled junction and Preston's Road roundabout and funding any subsequent improvement works.
  3. A contribution towards bus network improvements, assessing the condition of bus stops within a 400 metres radius of the development and upgrading those, which are deficient.
  4. The developer should contribute £258,000 towards improving the local bus services.
  5. Shower and changing facilities for the commercial and retail elements should be provided. The design of all cycle parking



should meet TfL cycle parking standards.

6. A financial contribution to rectify the dropped kerbs along the Westferry Road.
7. Provide section 106 contributions for DAISY boards, local pedestrian improvement and bus service enhancements.
8. Submit a delivery service plan and a construction logistics plan and investigate the potential for delivering construction materials by water.
9. Submit a full workplace travel plan and a full residential travel plan.

6.4. The applicant subsequently submitted further information to the GLA and by letter dated 12<sup>th</sup> February 2009, the GLA provided an officer level response which may be summarised as follows:

Affordable housing:

- On balance and given the circumstances of the two sites, the affordable housing provision is considered to be a good offer over both sites providing this is the maximum amount deliverable. However, it would seem there may be additional value, which could be utilised to provide additional affordable housing.
- Any increase in the quantum of affordable housing would result in a higher proportion of affordable housing at City Pride and the unsuitability of the City Pride site for affordable housing has already been established in the discussions around the provision for off-site affordable housing. The provision of more affordable housing would increase the need for amenity space on the constrained City Pride site as the number of children in the development would be likely to increase. In addition, the smaller units in the City Pride development would be unlikely to attract grant funding. In contrast, the Island Point development will provide good quality affordable housing with large family units with access to high quality amenity and children's play space.

Children's Play Space

- The provision of 220 sq m of child play space for the under 5s is acceptable.
- Given the location of the development and the constraints of the site, the provision of off-site play space for children over 5 years old is acceptable

Climate change and mitigation

In a further letter to the applicant dated 19<sup>th</sup> March 2009, accepts that it is not possible to get 100% of the heat demand from Barkantine. However, the proposal should provide a single heat network for the development, with a single energy centre and no individual heat pumps. There should be no energy generating equipment in the individual units. The applicant should also provide further information on why a centralised cooling network can not be provided. Conditions are advised to require the approval of further details of the energy strategy.

6.5. (Officer comments. As explained in the parallel report on the application affecting 443-451 Westferry Road, in response to the GLA's contention regarding additional affordable housing and the Members questions on this subject at the meeting of 19<sup>th</sup> February 2009, the applicant submitted:

- An alternative use value for City Pride site;
- A note responding to Atis Real's assessment of the Affordable Housing Toolkit and;
- A covering letter, which explains that there is no additional value across the two sites.

Having reviewed this information, by letter dated 13<sup>th</sup> March 2009, GLA officers concluded that the £17 million deficit shown in the toolkit is not additional value, which can be drawn upon to provide more affordable housing, but the worst-case scenario for the applicant who is hoping to reduce this deficit as the housing market stabilises and the offer of 40% affordable housing across both sites represents the maximum reasonable amount.

6.6. The applicant seeks to mitigate the overall impact of the development (not just child space) by an open space contribution to the Council of £483,194. This comprises part of the overall recommended Community and Open Space Contribution of £878,165.

6.7. The Council's Energy Officer (see below) advises that the applicant has broadly followed the energy hierarchy set out in policy 4A.1 of The London Plan and is satisfied that the outstanding matters raised by the GLA can be resolved by appropriately worded conditions as recommended above.

6.8. To mitigate transport impacts, the developer has agreed the section 106 obligations summarised above namely:

1. A £220,000 Bus Network Contribution
2. A Transport Plan comprising:
  - The submission and implementation of a hotel and residential travel plan, a delivery service plan and a construction logistics plan.
  - To provide, install and maintain DAISY board(s) to provide driver and transport information.
  - Car free arrangements that prohibit residents of the development other than disabled people from purchasing on street parking permits from the borough council.
- 3 A Highway Improvement Works Contribution of £217,140.

6.9. Whilst there are capacity issues at the Upper Bank Street / Aspen Way signal-controlled junction and at Preston's Road roundabout, it is considered that these two off-site locations are too remote to bear any relationship to the development and the financial obligation requested by TfL does not meet the tests of Circular 05/2005. This has been accepted by TfL in a subsequent letter).

**Government Office for London (Statutory consultee)**

6.10 No representations received.

**Natural England (Statutory consultee)**

6.11. No objection but considers the scheme could do more to enhance biodiversity. The Council should be satisfied that the demolition of the public house does not impact on bats.

6.12. (Officer comment: An informative is recommended).

**Environment Agency (Statutory consultee)**

6.13. No objection subject to conditions requiring the approval of details of surface water control measures, drainage, oil / fuel storage, decontamination, no infiltration of surface water, no penetrative piling or foundation design without prior approval together with informatives regarding applicable legislation administered by the Agency.

6.14. (Officer comments: Such conditions and informatives are recommended).

**London Borough of Greenwich (Statutory consultee)**

6.15. Raises objection. The proposal is considered to be unacceptable due to its height, scale and bulk which would be detrimental to local views enjoyed within Greenwich Borough.

**London Borough of Southwark (Statutory consultee)**

6.16. No representations received.

**London Borough of Lewisham (Statutory consultee)**

6.17. No objection.

**English Heritage (Statutory consultee)**

6.18. Does not wish to offer comments. Advises the application should be determined in accordance with national and local policy guidance and the basis of the Council's specialist conservation advice.

**Docklands Light Railway**

6.19. No representations received.

**London Underground Limited**

6.20. No comments.

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

- 6.21. Supports the residential use and the height and massing of the main 62-storey tower within the emerging western extension to the Canary Wharf cluster. Considers the façade treatment has the potential to generate an elegant architectural solution although the articulation of the amenity spaces at the top of the tower remains unconvincing reading as a pavilion on top of the tower rather than a culmination of the tower.
- 6.22. CABE welcomes the revised massing and simplified form of the lower hotel block but considers the relationships of the base of the building with 22 Marsh Wall and the pumping station require further design resolution. Although the former is much improved, there should be an improvement to the pedestrian environment between the 22 Marsh Wall and the development. There is no meaningful visual connection with the pumping station. Suggests the public area of the hotel is enlarged and opened up to give clear views of the pumping station. Considers the sky garden ungenerous. Welcomes proposals to minimise energy use but considers the proposed Code for Sustainable Home Level 3 is not sufficiently ambitious.
- 6.23. CABE also supports the principle of providing the affordable housing component off-site as it would allow a greater variety of accommodation and amenity space for families, than City Pride alone could offer.
- 6.24. (Officer comments. The proposed tower would culminate with a lightweight, set backed, glass pavilion which would serve as communal amenity space. It is a generous, double height space and is considered to be a delightful element of the scheme, offering opportunity for panoramic views. The revised massing of this second scheme results in a better relationship with 22 Marsh Wall with a now much lower hotel block that would provide as a satisfactory break between two tall buildings. It is considered that a well landscaped, public realm between the two buildings would produce a satisfactory resolution of the east-west link between Westferry Road & Marsh Wall and also fit well with other emerging proposals in the area. The Code for Sustainable Homes falls within the Building Regulations. Whilst Level 3 becomes mandatory for dwellings in 2010, the condition recommended above seeks a higher level if possible.

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

- 6.25. No objection subject to a condition regarding the installation of aircraft obstruction lights and an informative regarding consultation on the height of cranes.
- 6.26. (Officer comments: An appropriate condition and informative are recommended).

#### **National Air Traffic Services (Statutory consultee)**

- 6.27. The development produces no conflict with safeguarding criteria.

#### **Thames Water Plc**

- 6.28. The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommends a condition be imposed that development should not be

commenced until Impact Studies of the existing water supply infrastructure have been submitted to, and approved in writing by the local planning authority.

(Officer comments: Such a condition is recommended).

#### **Metropolitan Police**

- 6.29. No problems with the design following extensive consultation with the architect. The provision of external lighting and CCTV with good management of the hotel reception and outside spaces should help the development run smoothly with the minimum of problems.

#### **BBC Reception Advice**

- 6.30. Not convinced by the analysis in the submitted Environmental Impact Assessment on the impact of the development on analogue television reception.
- 6.31. (Officer comments: The developer has offered to enter into a legal agreement with the Council to undertake a "TV Reception Study" to examine the effects of the development on baseline local television reception within an agreed "TV Reception Survey Area" and to undertake "TV Remediation Works" identified in the TV Reception Study.

#### **London Fire and Emergency Planning Authority**

- 6.32. Advises that access by the Fire Brigade and water supply appear satisfactory.

#### **British Waterways Board (BWB)**

- 6.33. No objection but requests a small set back from the adjacent 1920's pumping station to make the development less overbearing and improve the street scene. A Construction Environmental Management Plan should be agreed with the local planning authority and BWB's engineers. Would like to see the development utilise its location for water borne freight including during construction and requests a condition to this effect together with the approval of a landscaping scheme. There should be a contribution to local environmental improvements. Requests a contribution of £50,000 to mitigate noise from its pumping station adversely impacting on residents of the development and an informative concerning consultation with BWB given its adjoining interests.
- 6.34. (Officer comment: The tower would be sited 4 metres away from the pumping station. The juxtaposition between the old and the new is considered architecturally satisfactory. A "small set back" would not be material in terms of the impact that the tower would have on the pumping station or the street scene. It is considered that the mitigation of noise from the pumping station should be settled between BWB and the developer without the involvement of the local authority. Other matters requested by BWB are subject to the recommended legal agreement, conditions and informatives).

#### **Tower Hamlets Primary Care Trust**

- 6.35. The population in Millwall Ward is expected to grow by 27% from 17,691 in 2008 to 22,552 in 2013. Requests a section 106 contribution for healthcare provision calculated by the HUDU model as follows:
- Total Capital Planning Contribution £741,548
  - Total Revenue Planning Contribution £2,494,053
  - Combined contribution sought for health £3,235,601
- 6.36. (Officer comment: In line with established practice, the developer has agreed a Capital Planning Contribution of £741,548).

### **Environmental Protection**

- 6.37. Satisfied with the developer's proposed approach and methodology to deal with contaminated land. Recommends that any planning permission is conditioned to secure decontamination. Emissions from the boiler plant need to be quantified. Advises that there would be impact on the daylight reaching residential properties in 1-30 Chandler Mews, 1-9 Cascades, 22-28 Marsh Wall and 11-85 Anchorage Point. There would be a minor loss of sunlight to 2-4 Cascades. There would be light pollution caused to 22-28 Marsh Wall. Any planning permission should be conditioned to require measures to mitigate wind at ground level and on the terraces. Parts of the north face of the building on the Westferry Road frontage would be subject to Noise Exposure Category D where PPG24 advises that planning permission should be refused. Facades facing east, west and south would be subject to Noise Exposure Category C where PPG24 advises that if planning permission is to be granted, conditions should be imposed to ensure a commensurate level of protection against noise. Any planning permission should be so conditioned. Any planning permission should also be conditioned. to require the approval of details of extract systems from any A3 (Café / restaurant) use.
- 6.38. (Officer comment: Conditions to secure decontamination and details of soundproofing, wind mitigation measures, the CHP plant and extract equipment are recommended. Sunlight, daylight and wind issues are discussed in Material Planning Considerations below).

### **Traffic and Transportation**

- 6.39. No objection in principle. Overall, the proposed increase in traffic would not have a detrimental effect on the highway network which would operate within capacity. Recommends a section 106 Highway Improvement Contribution of £267,140 to help with the reconstruction of the existing highway south of Westferry Circus, including improvements to visibility, footways, carriageways, carriageway markings, the provision of a cycle lane, upgrading the junction and to facilitate the construction of the entrance to 15 Westferry Road. Also recommends a Bus Network Contribution comprising £200,000 to fund improvements to local bus services and £20,000 to fund the upgrading of bus stops. There should be a 'car free' agreement to prevent residents from purchasing on-street parking permits.
- 6.40. (Officer comments: Appropriate heads of agreement are recommended).

### **Children's Services (Education Development)**

- 6.41. The dwelling mix for the 430 proposed units (51% studios and 1 bedroom, 42% 2 bedroom and 7% 3 bedroom) derives a need for 31 additional primary school places @ £12,342 = £382,602.
- 6.42. (Officer comments: An appropriate head of agreement is recommended).

### **Policy and Development Manager - Cultural Services**

- 6.43. The estimated new residential population generates an open space need of 774 pop x 12 sq m/pop = 9,288 sq m. No publicly accessible open space will be provided on site. Therefore existing open space in the borough will experience increased usage and a contribution should be sought to mitigate this impact. Previous applications have established a per capita contribution towards open space of £458. Applying the figure of £458 results in a mitigating contribution of £458 x 774 = £354,492.

The above contribution does not take into account the impact of the proposed hotel. While the occupants will not necessarily be visiting local library and leisure centre facilities, they are more than likely to use local parks and green space. This will have an impact on levels of use and a contribution should be sought to mitigate this. The nearby Newfoundland hotel development established that the Council will seek open space contributions for hotel developments to improve visitor facilities. Applying the sum per unit established at Newfoundland (£634 per hotel room), an additional open space contribution of 203 rooms x £634 = £128,702 should be sought.

The proposed development will increase demand on leisure facilities and the emerging leisure centre strategy identifies the need to develop further leisure opportunities to align with population growth. Sport England (the DCMS agency tasked with implementing sports policy) has developed a sports facility calculator for s106 purposes. This calculates (based on population figures and research based demand data) the amount of water space and sports hall required to cater for the population of new developments. It then uses building cost index figures to calculate the cost associated. Inserting a population of 774 into the model generates a total leisure contribution of £314,475.

Museums, Libraries and Archives (the sector DCMS agency) has developed a tariff approach to s106 contributions towards libraries and archives. This assumes a requirement of 30 sq m of library space per 1,000 population based on national research. The standard uses construction index figures and applies a cost of £3,465/sq m for London. This results in a per capita cost of £104. The site is likely to generate 774 population = £80,496.

- 6.44. (Officer comments: An appropriate head of agreement is recommended).

### **Waste Policy and Development**

- 6.45. No representations received.

### **Corporate Access Officer**

6.46. No representations received.

### **Landscape Development Manager**

6.47. No comments received.

### **Energy Officer**

6.48. Advises that the applicant has broadly followed the energy hierarchy set out in policy 4A.1 of the London Plan. The applicant has proposed two possible energy strategies that are considered acceptable but there is scope for the energy strategy to be improved to provide more detailed information. Recommends that any planning permission is conditioned to provide this information at the detailed design stage. The commercial element of the development will achieve an 'Excellent' BREEAM rating and the residential element will achieve a Code Level 3 as a minimum and Code Level 4 where possible. This is acceptable and any planning permission should be conditioned to ensure compliance.

6.49. (Officer comments: Appropriate conditions are recommended).

## **7. LOCAL REPRESENTATION**

7.1. A total of 572 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 'Additional Information' supplementing the Environmental Statement has also been subject to statutory publicity and consultation with neighbours and local groups. The number of representations received from neighbours and local groups following publicity is as follows:

<b>No of individual responses:</b>	<b>Objecting:</b>	<b>Supporting:</b>
11	11	0

No. of petitions received: 0

7.2. Material objections from neighbours may be summarised as:

- Impact on morning sunlight, daylight and amenity value at Cascades.
- The scheme would be overdevelopment with excessive density and its height and proximity to footpaths and roads would be overbearing.
- Undue strain on the Isle of Dogs due to inadequate schools, parks, roads, children's recreation areas and sports facilities.
- Addition flats not need in the current economic climate.
- Poor location for a hotel which is not required as existing hotels have low occupancy rates.



- Increased traffic generation and disruption to traffic flows caused by supermarket delivery vans and servicing for the hotel.
- Inadequate infrastructure to cater for already permitted schemes. No further development should be permitted around Westferry Circus until the combined impact of approved schemes has been assessed.
- The design of the building is uninspiring, dated and will be an eyesore.
- The City Pride (a traditional public house) should be retained. The development would be a loss of a public amenity and a loss of open space.
- Further hindrance to pedestrians and cyclists during construction. The existing pedestrian crossing adjoining the site across Westferry Road should be dealt with as a priority so that pedestrians and people with prams can navigate the pavement safely.
- Questions whether there is adequate capacity for the disposal of WC water.

7.3. Non-material objections from neighbours may be summarised as:

- Loss of property values in Cascades.
- The development would flood the market with additional and potentially unwanted apartments.
- The replacement of the City Pride will alienate the local population unless they can afford hotel prices.
- Public consultation undertaken by the developer was poorly advertised.
- The development will not add value to the local area.
- Years of building work will cause untold environmental impact, further noise and disturbance.
- Possible infringements of the Rights of Light Act 1959.

#### **Barkantine Management Team**

7.4. Three representations have been received from the Barkantine Management Team (BMT). BMT say that have not been consulted on the City Pride application either the developer or the Council and the application wrongly quotes that "all community groups have been consulted". BMT consider the Isle of Dogs should not suffer a relentless line of skyscrapers. Development height should not exceed a line drawn from the focal point of Canary Wharf to the 2-storey dwelling height on Mellish Street and objection is raised on grounds of excessive height and density. The scheme could also affect the Barkantine in relation to increased traffic, population, shared amenities, loss of sky views and light due to the size of the building. The increasing imbalance between private and social housing and the effect on the Island's social relations is also a concern.

7.5. (Officer comment: The application is supported by a Statement of Community Involvement. The Council was not involved with the preparation of that document and is not responsible for its content. Nowhere does the Statement claim that "all community groups have been consulted". It reports that a three day exhibition was held on 3rd - 5th July 2008 with invitations sent to 1,000 local households and businesses. The Statement provides a "List of resident's

addresses" to whom invitations were sent. BMT's address is Spinnaker House, 39 Byng Street and the list of addresses sent invitations includes Spinnaker House, Byng Street. As explained above, the Council's publicity exercise included individual letters sent to owner /occupiers in the vicinity. Letters were not sent to residents of Spinnaker House as it is too distant from the site. Consultation letters were sent to all local groups that have advised the Council that they wish to be consulted on planning applications affecting the area that they are interested in. The Alpha and Barkantine Tenants Association, 6 Tideway House, Strafford Street and Barkantine Tenants and Residents Association, 98 Alpha Grove were consulted on the City Pride application without response (see below). BMT had not requested such consultation on planning applications but this has now been rectified.

- 7.6. The Isle of Dogs Action Area Plan 2007 (interim planning guidance) does not contain a policy which says that development height should not exceed a line drawn from the focal point of Canary Wharf to 2-storey dwelling height. The relevant policies are as follows:

Sub policy 7 of Policy IOD1- Spatial Strategy says that design and built form will be managed by:

- a) Ensuring that development considers, reflects and responds to the waterside location of the Island, and contributes to making a unique location in London.
- b) Preserving and enhancing heritage assets....."
- c) Tall buildings will be clustered around Canary Wharf (1 Canada Square) and building heights should be reduced from this point.

Policy IOD21- Design and built form in the Central sub-area says:

1. The Central sub-area will contain a mix of building heights that do not compete with the cluster of tall buildings in the Northern sub-area. In general, building heights will be higher in the north of the sub-area and reduce in height towards the southern parts. Building heights in locations close to established residential areas should be based on the provision of an effective transition between established buildings and new buildings.

2. The building heights of new development must consider and respond to the close proximity of established residential areas nearby.

- 7.7. Comments on the suitability of the site to accommodate a tall building, traffic, increased population and affordable housing arrangements are discussed in 'Material Planning Considerations' below and the parallel reports on the Island Point site. The Barkantine Estate is 225 metres south of the City Pride site and would not suffer a loss of light as a consequence of the proposed development. The impact of development proposals on views is only a material planning consideration when the public interest is affected. In this case, no public interest is involved. Impact on sky views is also not considered material given the distance between the two sites).

- 7.8. A local ward councillor comments that only 5% of the affordable housing count

would be affordable housing at the City Pride site which would not further the goals of creating integrated communities and developments.

7.9. Following consultation, no representations have been received from Canary Wharf Group, Rodwell Investments (the developer of 22 Marsh Wall), the Association of Island Communities, Alpha Grove and Barkantine Tenants Association, Barkantine Tenants Association and St Johns Tenants Association.

7.10. The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

## **8. MATERIAL PLANNING CONSIDERATIONS**

8.1. The main planning issues raised by the applications that the Committee must consider are:

- Proposed land use.
- Density.
- The principle of a tall building, the design of the building and the setting of listed impounding lock.
- Sunlight and daylight.
- Affordable housing arrangements.
- Dwelling mix.
- Access and servicing arrangements.
- Amenity space and landscaping.
- Sustainable development/ renewable energy.
- Planning obligations.

### **Land use**

8.2. The City Pride is located in the Isle of Dogs Opportunity Area which is identified in the London Plan as being capable of accommodating at least 10,000 additional dwellings. Policy 3A.1 of the London Plan sets a target of an additional 30,500 homes to 2016 / 17. Policy 3A.2 refers to Borough Housing Targets with Tower Hamlets set a target of 31,500 to 2016 / 17. The principle of redevelopment with a large residential component therefore accords with strategic housing policy.

8.3. Except for its location within a Flood Protection Area, the site is unallocated on the Proposal Map of the Tower Hamlets Unitary Development Plan 1998. The boundary of the Central Area Zone (CAZ) is shown immediately to the east of the City Pride, running along Marsh Wall. UDP policy DEV3 encourages mixed-use developments subject to the character and function of the surrounding area.

8.4. On the Proposals Map of the Council's Core Strategy and Development Control interim planning guidance 2007, the site is allocated as 'Development Site ID 26' within a Flood Risk Area and adjoins the Canary Wharf Major Centre.

8.5. The Sub-Areas and Development Sites Map of the Council's Isle of Dogs Action

Area Plan 2007 (which has also been adopted as interim planning guidance) shows Development Site ID26 lying within the Central Sub-Area. The Spatial Strategy Diagram of the AAP shows the site lying within a preferred office location.

- 8.6. Policy IOD 19 of the Isle of Dogs AAP says that residential uses will be promoted throughout the Central Sub-Area. The proposed residential accommodation and the ground floor unit are also consistent with policy IOD 22 of the AAP which provides the following preferred uses for the City Pride site:
- Residential Class C3 (Dwellinghouses)
  - Employment Class B1 (Business)
  - Retail and Leisure Class A2 (Financial and professional services, A3 (Café / restaurant) and A4 (Drinking establishment)
- 8.7. With regard to the proposed hotel, The London Plan policy 3D.7 refers to visitor accommodation and says that the mayor will work with strategic partners to implement his Tourism Vision and to achieve 40,000 net additional hotel bedrooms by 2026. Beyond the CAZ, boroughs should identify capacity for new visitor facilities in town centres and other locations such as Opportunity Areas, with good public transport access to central London and international and national transport termini.
- 8.8. Policy ART7 of the Tower Hamlets Unitary Development Plan 1998 says that outside the CAZ, major hotel developments may be permitted where they comply with the following criteria:
1. Scale and density is appropriate and not adversely impact on the local environment, or the amenity of adjoining uses;
  2. The site is well served by public transport and within easy reach of public transport interchanges;
  3. Adequate road access and servicing facilities;
  4. Not adversely affect residential accommodation or result in a loss of existing residential accommodation.
- 8.9. The hotel would comprise a podium block of the main residential tower and, as explained below, the scale and density of the scheme as a whole is considered appropriate to its location and context. The site is well served by public transport, has good road access and the design allows for servicing. There would be some effect on the daylighting conditions in the adjoining parts of 22 Marsh Wall, but ensuing conditions are considered satisfactory given the location. There would be no loss of residential accommodation and the provision of a hotel at this location is considered policy compliant.
- 8.10. Policy RT6 of the Core Strategy and Development Control interim planning guidance 2007 resists the loss of public houses where it would create a shortage of public houses within easy walking distance (300 metres) of residential areas and, marketing shows no reasonable prospect of reuse or refurbishment for an appropriate Class A use.
- 8.11. In the case of the City Pride, the residential area to the south is provided with

public houses at No. 25 Westferry Road 135 metres away and at No. 41 Westferry Road 180 metres distant. Further, the proposed development includes a Class A unit on the ground floor with planning permission sought that includes a Class A4 drinking establishment.

- 8.12. Whilst residential and hotels are not a priority uses for land alongside the Blue Ribbon Network or the docks (The London Plan 2008 policies 4C.6 and 4C.23), such uses accord with parts 3A and 3D of the Plan and are considered appropriate for a site at the western end of West India Dock South.
- 8.13. In summary, no land use objection is raised to the redevelopment of the City Pride by a mixed-use development comprising residential, a hotel and a ground floor Class A unit.

### **Density**

- 8.14. The Government's Planning Policy Statement 1: Delivering Sustainable Development 2005 supports making efficient use of land. It advises that this should be achieved through higher density, mixed-use development and by returning previously developed land and buildings back to beneficial use.
- 8.15. The London Plan policies 4B.1 and 3A.3 outline the need for development proposals to achieve the highest possible intensity of use compatible with local context, the design principles of the compact city and public transport accessibility. Table 3A.2 of The London Plan provides guidelines on density in support of policies 4B.1 and 3A.3.
- 8.16. Policy CP20 of the Council's interim planning guidance 2007 reflects guidance set out in The London Plan and seeks to maximise residential densities on individual sites taking into account local context, site accessibility, housing mix and type, achieving high quality design, well designed homes, maximising resource efficiency, minimising adverse environmental impacts, the capacity of social and physical infrastructure and open spaces and to ensure the most efficient use of land within the borough.
- 8.17. Policy HSG1 of the Council's interim planning guidance sets criteria which should be taken into account when determining the appropriate residential density for a site including:
- *The density range appropriate for the setting of the site, in accordance with Planning Standard 4: Tower Hamlets Density Matrix;*
  - *The local context and character;*
  - *The need to protect and enhance amenity;*
  - *The need to incorporate good design principles;*
  - *The provision of the required housing mix (including dwelling size and type, and affordable housing);*
  - *Access to a town centre (particularly major or district centres);*
  - *The provision of adequate open space, including private and communal amenity space and public open space;*
  - *The impact on the provision of services and infrastructure, including the*

- *cumulative impact; and*
- *The provision of other (non-residential) uses on a site.*

8.18. Both Table 3A.2 of The London Plan and Planning Standard 4: Tower Hamlets Density Matrix provide a density range of 650 - 1,100 habitable rooms per hectare for 'Central' sites such as the City Pride with a PTAL range 4-6.

8.19. The proposed residential density at the City Pride site is 4,172 habitable rooms per hectare. This substantially exceeds the guidance in Table 3A.2 of The London Plan and Planning Standard 4: Tower Hamlets Density Matrix. However, the site is relatively small and most of its ground floor area would be developed and this, combined with the proposed height and the predominance of studio, 1 and 2-bedroom market units, produces a high density. Subject to ensuing design matters (outlined in HSG1 above) being satisfactory, this density is not considered out of context with the character of surrounding development and the site's Canary Wharf location.

**The principle of a tall building, the design of the building and the setting of listed impounding lock**

8.20. The London Plan policy 4B.1 'Design principles for a compact city' seeks to ensure that new development maximises site potential, enhances the public realm, provides a mix of uses, are accessible, legible, sustainable, safe, inspire, delight and respect London's built and natural heritage. Policy 4B.2 seeks to promote world-class high quality design by encouraging contemporary and integrated designs and policy 4B.5 requires development to create an inclusive environment. Policies 4B.10, 4B.12 and 4B.14 require large scale buildings to be of the highest quality with boroughs required to ensure the protection and enhancement of historic assets.

8.21. Tower Hamlets UDP policy DEV1 requires all development proposals to be sensitive to the character of the area in terms of design, bulk, scale and materials, the development capabilities of the site, to provide for disabled people and include proposal for landscaping. UDP Policy DEV2 seeks to protect the amenity of residential occupiers and the environment and incorporate the principles of sustainable development including the use of energy efficient design and materials.

8.22. Core Policy CP4 of the Council's interim planning guidance seeks to ensure that development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. In achieving good design development should:

- *Respect its local context, including the character, bulk and scale of the surrounding area;*
- *Contribute to the enhancement or creation of local distinctiveness;*
- *Incorporate sustainable and inclusive design principles;*
- *Protect amenity, including privacy and access to daylight and sunlight;*
- *Use high quality architecture and landscape design; and*
- *Assist in creating a well-connected public realm and environments that*

*are easy to navigate.*

- 8.23. Core policy CP48 applies to tall buildings and says such development will in principle be supported in the northern part of the Isle of Dogs where they consolidate the existing tall buildings cluster at Canary Wharf. All proposals for tall buildings must:

- a) contribute positively to a high quality, attractive environment;*
- b) respond sensitively to the surrounding local context;*
- c) not create unacceptable impacts on the surrounding environment including the surrounding amenity;*
- d) contribute to the social and economic vitality of the surrounding area and*
- e) not create unacceptable impacts on social and physical infrastructure.*

- 8.24. Policy DEV1 of the interim planning guidance 2007 requires development to protect, and where possible improve the amenity of surrounding building occupants and the public realm. Policy DEV2 requires development to take into account and respect the local character and setting of the site including the scale, height, mass, bulk and form of development, to preserve and enhance the historic environment and use appropriate materials.

- 8.25. Policy DEV27 addresses applications for tall buildings, which must satisfy the following criteria:

*Design and Context*

- *Demonstrate the design is sensitive to the context of the site.*
- *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 water bodies, or other townscape elements.*
- *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.*
- *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.*
- *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.*
- *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.*
- *Not adversely impact on Conservation Areas, Listed Buildings, historic assets, World Heritage Sites, scheduled monuments, areas of archaeological importance or potential, or their settings.*

- *Where residential uses are proposed, include high quality, useable communal and private amenity spaces.*
- *Be visually integrated into the streetscape and the surrounding area.*
- *Present a human scaled development at the street level.*
- *Respect the local character and seek to incorporate and reflect elements of local distinctiveness.*
- *Incorporate adaptable design measures.*

#### *Environment*

- *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.*
- *Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.*
- *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.*
- *Not adversely impact on biodiversity or open spaces, including watercourses and water bodies and their hydrology, as well as their settings and views to and from them.*

#### *Socio-economic impacts*

- *Contribute positively to the social and economic vitality and of the surrounding area at the street level through its proposed mix of uses.*
- *Be acceptable in terms of its potential social impacts, and maximise positive social impacts, as demonstrated through a Social Impact Assessment.*
- *Where residential uses are proposed, comply with the density requirements in policy HSG1.*

#### *Access and Transport*

- *Incorporate the principles of inclusive design.*
- *Be located in an area with good public transport access.*
- *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.*
- *Respect, and, where possible, improve permeability with, the surrounding street network, and take into account impacts on the movement of people.*

#### *Additional Considerations*

- *Where residential uses are proposed, comply with the density requirements in policy HSG1.*



- *Not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.*

8.26 Sub policy 7 of policy IOD1- 'Spatial Strategy' of the Isle of Dogs Action Area Plan November 2006 (interim planning guidance) says that design and built form will be managed by:

- a) Ensuring that development considers, reflects and responds to the waterside location of the Island, and contributes to making a unique location in London.
- b) Preserving and enhancing heritage assets.....”
- c) Tall buildings will be clustered around Canary Wharf (1 Canada Square) and building heights should be reduced from this point.

8.27. Policy IOD21 Design and built form in the Central sub-area says:

1. The Central sub-area will contain a mix of building heights that do not compete with the cluster of tall buildings in the Northern sub-area. In general, building heights will be higher in the north of the sub-area and reduce in height towards the southern parts. Building heights in locations close to established residential areas should be based on the provision of an effective transition between established buildings and new buildings.
2. The building heights of new development must consider and respond to the close proximity of established residential areas nearby.

8.28. At paragraph 43 of PPS1: Delivering Sustainable Development, the Government advises:

*“Good design should contribute positively to making places better for people. 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.”*

8.29. Additional advice on tall buildings is set out within the joint English Heritage and CABE guidance note published in July 2007. The document sets out criteria that are considered relevant in considering applications for tall buildings, namely:

- Relationship to context;
- Effect on existing environment;
- Effect on World Heritage sites;
- Relationship to transport infrastructure;
- Architectural quality of the building;
- Sustainable design and construction;
- Credibility of design;
- Contribution to public spaces and facilities;
- Effect on the local environment;
- Contribution to permeability; and
- Provision of a high-quality environment.

- 8.30. The proposed building would measure 215 metres in height AOD. This compares with the two towers of 241.1 metres and 191.34 metre recently approved by the Committee at the Riverside South site and 1 Canada Square (Canary Wharf) which is 245.75 metres AOD. Officers consider the proposed development would be a well considered tower within the Canary Wharf cluster. The proposed height is considered appropriate for its location and context. The building would have a slim elegant profile which would add distinction to the townscape, in an area dominated by office towers. Although in its own terms it is a very dense scheme, it would not appear out of place in its context. The building massing has addressed previous concerns over its relationship with 22 Marsh Wall with a lower hotel block proposed which would act as a break between two tall buildings, whilst being clearly separated from the main tower by virtue of its appearance and atrium space.
- 8.31. The footprint and slenderness of the tower is considered of particular merit in east-west views. The articulation of the façade would reflect the uses within the building with large, triple height amenity spaces being provided at upper levels. The tower would culminate with a light weight, set back glass pavilion providing a communal amenity space. It is a generous double height space which is considered to be a delightful element of the scheme, offering opportunities for panoramic views and would add positively to the skyline.
- 8.32. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires the Council, in determining whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting of the listed building. It is considered that the development would have no adverse effect on the setting of the listed Impounding Lock which would be preserved.
- 8.33. Neither the GLA or English Heritage raise design concerns and there is broad support from CABI. It is considered that the proposal accords with the joint English Heritage / CABI guidelines on the location of tall buildings and the design & conservation policies outlined above provided by national guidance, The London Plan, the Tower Hamlets UDP 1998 and the emerging policies within the Council's interim planning guidance 2007.

### **Sunlight, daylight and light pollution**

- 8.34. Tower Hamlets' Unitary Development Plan 1998 policy DEV 2 states that:
- "All development should seek to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions".*
- 8.35. Interim planning guidance policy CP4 states:
- "The Council will ensure development creates buildings and spaces of high quality design ... In achieving good design, development should protect amenity, including privacy and access to daylight and sunlight."*

Policy DEV1 adds:

*“Development is required to protect, and where possible seek to improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.”*

For further guidance the policy refers to BRE publication: *Site layout planning for daylight and sunlight – A guide to good practice.*

- 8.36. The findings of the Environmental Statement on daylight conditions that would result from the development may be summarised as follows:
- 8.37. **1-30 Chandlers Mews.** There are 64 windows (77%) of the 83 windows within these properties which achieve the numerical values of Vertical Sky Component (VSC) suggested by the BRE guidelines. In the remaining 19 windows, the losses beyond the 20% are modest with none exceeding 29.62% change and the majority closer to the 20% acceptable change. Whilst these are breaches of the Guidelines, the existing VSC values are comparatively low and thus more sensitive to change even though they enjoy a relatively unencumbered outlook over the development site. This is a function of the window location and architectural features specific to Chandlers Mews, which inhibit sky visibility. 28 (44%) of the 62 windows achieve the levels of ADF suggested by the BRE Guidelines for their usage. The largest reduction to rooms which retains a level below that suggested by the BRE is 0.18% ADF which would not be noticeable to the occupant. The majority of other rooms are less affected with losses of light within particular rooms of approximately 10%. This level of change is consistent with the suggested acceptable level by the BRE Guidelines. In terms of daylight the resultant impact of the proposed development is assessed as minor adverse.
- 8.38. **1-9 Quayside.** Of the 56 windows assessed in terms of VSC, 54 windows (96%) achieve the numerical values suggested by the BRE guidelines. The two rooms with losses greater than 20% achieve low levels of VSC in the baseline scenario and thus are more sensitive to reductions in light. These 2 rooms do not meet the numerical values for Daylight Distribution and ADF. However, both serve bedrooms which are seen by the BRE to have a lower requirement for light than principal living rooms and kitchens. The impact associated with the proposed development is therefore seen as minor adverse.
- 8.39. **2-4 Cascades.** Of the 328 windows relevant for VSC assessment, 251 windows (77%) meet the numerical values suggested by the BRE guidelines. 57 windows (74%) do not achieve the suggested values already. These are breaches of the BRE Guidelines and existing VSC values are comparatively low, even though they enjoy a relatively unencumbered outlook over the development site, and thus are more sensitive to change. These low values are a function of the window location and architectural features specific to Cascades, which inhibit sky visibility. The 57 windows which do not meet the suggested numerical values of VSC serve a total of 48 rooms. The daylight

distribution method of analysis indicates that 42 (88%) of these rooms are fully BRE compliant. Of the remaining 6 rooms, 4 are bedrooms thus having a lower expectation or requirement for daylight. These rooms are located on the lower two floors. 4 of these rooms lie behind an outer façade which is up to a metre deep and completely encloses the windows, drastically reducing their view of the sky. Each of these windows receives levels of daylight far below those suggested by the BRE Guidelines in the existing scenario as a direct result of this. These windows could be said to have a reduced expectation for daylight by design. The impact of the proposed development on Cascades is therefore assessed as minor adverse.

- 8.40. **22-28 Marsh Wall.** Given the proximity of the proposed development to Nos. 22-28 Marsh Wall, there would be alterations in daylight when contrasted with the currently unencumbered outlook. The VSC results indicate that 582 (60%) of the 970 windows within this property achieve the BRE guidelines. Of the 493 rooms within this development 486 (99%) would satisfy at least one of the three daylight analyses. The remaining rooms would be located within Block 1 and Block 3. . Of the remaining 7 rooms, 6 would be located in Block 1 which is the only block relevant as it lies alongside the City Pride site. Four of the six rooms are bedrooms and two are kitchen/living /diners. These two rooms have ADF values of 1.07% and 1.47% respectively, which, whilst they are below the BRE guidelines, they are isolated instances and on the lower floors where the potential for good daylight is reduced. When viewed in the context of the building as a whole, these 2 rooms represent a very small percentage of the total number of rooms assessed. The ADF results also suggest that the retained light levels, although not quite at the level suggested by the BRE guidelines, are still reasonably good in an urban context such as this.
- 8.41. **11-85 Anchorage Point.** The VSC results indicate that all of the windows in this property are BRE compliant and the impact in terms daylight would be negligible.
- 8.42. The Environmental Statement finds that there would be minor impact on sunlight reaching 2-4 Cascades. Of the 138 Windows relevant, 113 windows (82%) comply with the BRE guidelines. The majority of the windows which do not meet the suggested levels of annual probable sunlight hours do so only marginally for total levels of sunlight and all are fully compliant in terms of winter sun. Viewed in an urban context such reductions are common and for this reason the significance of this is assessed as being only minor adverse.
- 8.43. With regard to light pollution affecting residential premises in 22-28 Marsh Wall, the part of the proposed development in proximity to 22-28 Marsh Wall would be in hotel usage. Light is unlikely to be emitted during hours of darkness because blinds or curtains would be expected to be closed.

#### **Affordable housing arrangements**

- 8.44. The London Plan policy 3A.9 identifies the Mayor's strategic target that 50% of housing should be affordable and within that 70% should be social housing and 30% intermediate provision. The policy also promotes mixed and balanced communities.

- 8.45. The London Plan policy 3A.10 requires boroughs to seek the maximum reasonable amount of affordable housing. Targets should be applied flexibly, taking account of individual site costs, any public subsidy and other scheme requirements. Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified.
- 8.46. Paragraph 3.57 of The London Plan says that exceptionally a borough may consider that the required affordable housing should be provided off site e.g. where there are existing concentrations of social housing and there are benefits gained by providing the new units in a different location, such as to create more socially balanced communities, to provide a particular type of housing, such as family housing or to provide more units than is possible on the principle site.
- 8.47. The Mayor's Housing Supplementary Planning Guidance states:
- "Consideration should normally only be given to off-site provision where an alternative site or sites have been identified which would enable affordable housing provision more appropriate to the identified needs to be set and where the project is deliverable prior to the on site market development being completed. Agreements for off-site provision should be financially neutral in terms of the benefit to the applicant relative to on-site provision requirements."*
- 8.48. Core policy CP22 of the Council's interim planning guidance 2007 says:
- 1) *The Council will aim to maximise all opportunities for affordable housing on each site, proposing new residential dwellings in order to achieve a 50% affordable housing target, across the borough, from all sources. The Council will seek a minimum of 35% affordable housing provision on developments proposing 10 new dwellings or more.*
  - 2) *The Council will seek a social rented to intermediate housing ratio of 80:20 for all new affordable housing.*
  - 3) *On sites providing both market and affordable housing, the Council will require all housing to be integrated to ensure there is no visible difference between the different housing tenures provided.*
  - 4) *The Council will seek to ensure the retention in perpetuity of new affordable housing through legal agreements.*
- 8.49. The Council's interim planning guidance policy HSG3 (1) states that in seeking to negotiate the maximum reasonable amount of affordable housing, the Council will have regard to:
- The economic viability of the proposal, including individual site costs;
  - The availability of public subsidy;
  - Other planning contribution requirements;
  - The need to ensure new housing developments contributes to creating sustainable communities, including being responsive to housing needs.

- 8.50. Interim planning guidance policy HSG3 (2) states that consideration of off-site provisions will be given where an appropriate alternative site has been identified and the Council considers this will result in a better outcome than if the affordable housing was provided on-site.
- 8.51. The developer seeks to link the affordable housing obligation arising from the development at the City Pride to the parallel proposal for the redevelopment of 443-451 Westferry Road (Island Point) that is reported separately on this agenda. It is proposed that off-site provision is provided at Island Point in lieu of the majority of the obligation arising from the City Pride development. It is proposed that the majority of the private residential accommodation would be within the high rise, high density tower at The City Pride and The Island Point site would be a lower density scheme with a focus on affordable family accommodation.
- 8.52. The applicant has submitted an Affordable Housing Statement and Economic Appraisal (Housing Toolkit) to justify the quantum of affordable housing and explain the rationale behind and benefits of the provision of off-site affordable housing. In summary, the appraisal claims the proposed arrangements would:
- Allow a greater quantum of affordable housing,
  - Provide a better mix of affordable housing,
  - Provide a better range of affordable housing unit types (including terraced housing) and
  - Produce better quality affordable housing.
- The applicant stresses that the Island Point site would provide an exemplar development, providing well-designed large family units, good access to amenity and children's play space, which would not be possible at the City Pride.
- 8.53. The applicant initially proposed that the joint development would provide 40% affordable housing across both sites with 5% of the total habitable rooms of the dwellings within the City Pride development comprising shared ownership affordable housing units. This would be 18 dwellings amounting to 50 habitable rooms. At Island Point, 91% of the total habitable rooms within the development would have comprised affordable housing. This means that 166 dwellings comprising 655 habitable rooms would have been provided for social rented units (118 dwellings) and as intermediate units (48 dwellings). It is understood that the developer intends to seek funding from the Homes and Communities Agency.
- 8.54. The applicant's Affordable Housing Statement and Economic Appraisal has been independently assessed by Atis Real. Instructions to Atis Real were to test the applicant's assertion that the scheme could only provide 40% of the habitable rooms (30% of units) as affordable housing and also whether there is any scope for an increase in the provision of on-site affordable housing, or a commuted sum.
- 8.55. Atis Real advised:

*“The Applicant has tested the residual land value generated by the development against the price paid for the site. GLA Toolkit guidance indicates that residual land values should be tested against Existing Use Value or Alternative Use Values. The applicant has not submitted any formal (or informal) valuation of existing or alternative uses on the sites. While existing use values are understood to be low, it is likely that alternative use values (i.e. a use that would not attract affordable housing requirements) would be significantly higher.*

*Although the Applicant has not followed GLA guidance in this case by benchmarking against EUV, it should be noted that the residual value of the proposed development of £47.46 million is significantly lower than the purchase price of £64.9 million. Despite this, it is understood that the applicant will commit to providing 40% affordable housing. However, benchmarking against EUV would enable the scheme to provide a significantly higher proportion of affordable housing.”*

8.56. The consultant to the developer (Knight Frank) claims that, with the provision of 40% affordable housing the scheme would result in residual value (loss) of minus £17.44 million as follows:

**Table 5.2.1: Knight Frank Assumptions on Affordable Housing Values**

<b>% Affordable Housing (by hab rooms)</b>	<b>% Social rent</b>	<b>% Shared Ownership</b>	<b>Total residual land value</b>	<b>Purchase Price</b>	<b>Residual Land Value less Purchase Price</b>
41%	64%	36%	£47.46	£64.90 m	<b>-£17.44</b>

8.57. Atis Real found that the provision of 40% affordable housing would produce a residual value of minus £630,000. 50% affordable housing would result in a residual value of minus £17.76 million as follows:

**Table 5.2.1: Atisreal Assumptions on Affordable Housing Values**

<b>% Affordable Housing (by hab rooms)</b>	<b>% Social rent</b>	<b>% Shared Ownership</b>	<b>Total residual land value</b>	<b>Purchase Price</b>	<b>Residual Land Value less Purchase Price</b>
41%	64%	36%	£64.27	£64.90 m	-£0.63
50%	62%	38%	£47.11	£64.90 m	-£17.76

- 8.58. Atis Real advised that there is sufficient ambiguity in the GLA toolkit guidance around the use of existing use values and alternative use values to suggest that benchmarking against EUV may not be a tenable position in any planning appeal. If the Council refused planning permission and the Applicant were able to demonstrate at an appeal that an alternative use existed that had a value of at least £47.46 million, (s)he would be able to demonstrate that the level of affordable housing has been maximised. While such an alternative use value may not exist in the current market, it is likely that at the time of purchase, a commercial or alternative mixed use scheme could have attracted such a value.
- 8.59. Atis Real concluded that the development can viably provide 40% affordable housing by habitable rooms. A development providing 50% affordable housing by habitable rooms, would produce a deficit of £17.7 million.
- 8.60. As reported above, GLA officers have now concluded that the £17 million deficit shown in the toolkit is not additional value, which can be drawn upon to provide more affordable housing, but the worst-case scenario for the applicant who is hoping to reduce this deficit as the housing market stabilises. As such, the offer of 40% affordable housing across both sites represents the maximum reasonable amount.
- 8.61. As reported in the parallel item on 443-451 Westferry Road (PA/08/2292), whilst the talks with the GLA continued, the applicant took the opportunity to consider providing separate kitchens within that development and concluded that 56 of the apartments within Island Point could be configured to provide a separate kitchen. The provision of such separate kitchens would result in the creation of 45 additional habitable rooms (kitchens over 13 sq m are defined as habitable rooms in the Council's Unitary Development Plan). This would increase the total number of habitable rooms to 750 across both sites and result in an increase in the amount of affordable housing offered to 41.5%. This is shown in the table below:

Percentage of affordable housing with amended separate kitchen layouts.

<b>Site</b>	<b>Total Habitable</b>	<b>Habitable</b>	<b>Affordable</b>
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	<b>Rooms</b>	<b>Rooms Affordable</b>	<b>Housing Provision</b>
City Pride	1043	50	5%
Island Point	764	700	91.6%
<b>Total</b>	<b>1807</b>	<b>750</b>	<b>41.5%</b>

8.62. Across both sites, the amended proposals with separate kitchens would result in a ratio of social rent to intermediate housing of 71:29 measured by habitable rooms. This would comply with policy 3A.9 of The London Plan.

8.63. As also explained in the parallel report on Island Point, the applicant has also indicated a willingness to alter the rented/intermediate split of the 41.5% affordable housing offer by altering the rented/intermediate split across the affordable component for the two sites to 80/20 if allied to a grant cascade mechanism. This would involve funding the conversion of tenure from intermediate housing to social rent of 21 units (66 habitable rooms) within Block A of Island Point. The additional cost to the developer of transferring the tenure of these units would be £1,869,759.50. Alternatively, the tenure balance could remain as currently specified and the £1,869,759.50 could be transferred to the Council as a payment in lieu of on-site provision, and be used to deliver additional affordable housing elsewhere in the borough.

8.64 In summary, the applicant's affordable housing offer is as follows:

- The base affordable housing offer across the two sites is 41.5% affordable housing (71% social rented and 29% intermediate). Should a no grant position be preferred, this figure reduces to 40%. 40 % is the level that has been verified by the GLA.
- The applicant has also offered an additional monetary contribution of £1,869,759.50 over and above the 41.5 % provision which could be used to convert some of the intermediate housing at Island Point into social rented units. Alternatively, the £1.8 million may be used by LBTH to secure additional social rented units elsewhere within the borough. The target tenure balance as a consequence of this increased offer would be 80% social rented and 20% intermediate. This is the applicant's "enhanced position".
- The "enhanced position" is contingent upon securing appropriate levels of Housing Grant. A cascade arrangement in the section 106 agreement would exist, but only between the "enhanced £1.8 million offer" and "the base 41.5 % offer" (i.e. cascading down from an 80 % social rented and 20 % intermediate provision to the 71 % social rented and 29 % intermediate position). The base condition would be secure. The applicant says that the advantage of the enhanced offer, with cascade, is that ultimately more social rented housing could be provided than the economic appraisal allows for.

8.65. The Committee needs to determine:

- Firstly, whether the principle of providing the majority of the affordable housing obligation at Island Point is acceptable in principle; and,
- Secondly, whether the offer of 41.5% affordable housing across both sites is reasonable or whether the “enhanced offer” is preferred..

### Dwelling mix

8.66. Policy HSG 2 of the Council’s interim planning guidance says the Council will require that sites providing social rented housing provide it in accordance with the housing mix outlined in Table DC1: Housing Mix as follows:

Table DC1: Housing Mix	
Housing Type	Social Rented Housing as a percentage (%) of units
Studios	0
One bedroom	20
Two bedroom	35
Three bedroom	30
Four bedroom	10
Five and six bedroom	5

8.67. Policy HSG2 also says that the Council will require that both the intermediate housing and market housing components of housing provision contain an even mix of dwelling sizes, including a minimum provision of 25% family housing, comprising 3, 4 and 5 plus bedrooms.

8.68. A breakdown of the residential units for City Pride is shown below.

	Private	Social rented	Intermediate	Total	%
Studio	57	0	0	<b>57</b>	13
1 bed	158	0	4	<b>162</b>	38
2 bed	168	0	14	<b>182</b>	42
3 bed	29	0	0	<b>29</b>	7
<b>Total</b>	412	0	18	<b>430</b>	
<b>%</b>	<b>96</b>	0	<b>4</b>		

8.69. It is apparent that in isolation, the City Pride development would not comply with the interim planning guidance, there being overprovision of studios, 1 bed and 2 bed units and only 7% family accommodation (3 bed+) compared to the policy requirement of 45%.

8.70. Overall, across both sites, the residential breakdown is shown below.

	<b>Private</b>	<b>Social rented</b>	<b>Intermediate</b>	<b>Total</b>	<b>%</b>
Studio	57	0	0	<b>57</b>	9
1-bed	166	18	14	<b>198</b>	32
2-bed	180	9	42	<b>231</b>	37
3-bed	32	29	10	<b>71</b>	12
4-bed	0	44	0	<b>44</b>	7
5-bed	0	18	0	<b>18</b>	3
<b>Total</b>	435	118	66	<b>619</b>	100
<b>%</b>	<b>70</b>	<b>19</b>	<b>11</b>		

8.71. The Mayor of London's Housing SPG provides a London-wide target for the mix of unit sizes within developments. The table below compares the proposed mix of units against the targets within the SPG.

	<b>Overall</b>		<b>Social rented</b>		<b>Intermediate</b>		<b>Market</b>	
	SPG	Scheme	SPG	Scheme	SPG	Scheme	SPG	Scheme
<b>1 bed</b>	32%	41%	19%	15%	66%	21%	25%	51%
<b>2/3 bed</b>	38%	49%	39%	32%	0%	79%	75%	49%
<b>4 bed +</b>	30%	10%	42%	53%	34%	0	0	0

8.72. If the Committee decides that principle of providing the majority of the affordable housing arising from the City Pride development within the Island Point scheme is acceptable in principle, the Committee also needs to determine whether the proposed dwelling mix across both sites is satisfactory. This matter is discussed in the original parallel report on the Island Point proposal that was considered by the Committee on 19<sup>th</sup> February.

#### **Access and servicing arrangements**

8.73. An existing area of highway land, adjacent to the site has been safeguarded for proposed highway widening. Following a corridor review it has been decided that this section of Westferry Road is not required for future highway widening and could be included within the development site.

8.74. The development would be accessed from both Westferry Road and Marsh Wall

and would include a drop off point for taxis and vehicles visiting the basement car parking area. There is sufficient space to allow vehicles to enter and exit the site in forward gear and the arrangement is considered acceptable, with pedestrian visibility splays and vehicle sight lines maintained.

- 8.75. Access for servicing vehicles and coaches would be from Marsh Wall via an entry only access point with egress onto Westferry Road. The applicant has indicated that the servicing arrangements will be managed, but has not provided a Service & Delivery Plan or a Travel Plan for the development. The submission and implementation of Travel Plan arrangements forms part of the recommended legal agreement between the developer and the Council.
- 8.76. There is an existing pedestrian crossing adjacent to the development site. The proposed access arrangements could lead to vehicle and pedestrian conflict and the developer has offered funding to relocate the crossing to a more suitable location. The Traffic and Transport Department is satisfied with this arrangement.
- 8.77. The applicant has provided details of two refuse storage areas at basement levels 2 and 3 with collection from the servicing area at ground level. The location and design of refuse storage and the collection point meet standards. The developer would need to agree the collection regime with the Council's Waste Management Section, but no difficulties are envisaged.
- 8.78. The 30 parking spaces proposed would be significantly lower than the maximum standard of 0.50 per dwelling set out in the Council's interim planning guidance and is consequently considered satisfactory. The applicant has not indicated any disabled parking provision. From the standards in the interim planning guidance, 10 % (3 spaces) would be required. However the applicant's Traffic Assessment demonstrates that disabled users would be able to access the site from a drop-off point within the curtilage of the site accessed from Westferry Road. Overall, the parking proposals, in conjunction with the recommended 'car free' agreement to prevent residents from applying for on-street parking permits, are policy compliant.
- 8.79. The Council's interim planning guidance requires cycle parking to be 1 per unit for the residential element of the proposal with 1 space per 20 staff for the hotel i.e. 447 spaces. The applicant has indicated that they will be looking at providing a higher cycle parking provision of 470 stands which is again policy compliant.
- 8.80. The applicant's Transport Assessment includes estimates of Trip Generation and its assignment using the Travl database which is satisfactory. Overall the proposed increase in traffic would not have a detrimental effect on the highway network which would operate within capacity.
- 8.81. The site has 6a PTAL accessibility rating with a very good level of accessibility to public transport links. The developer estimates that the scheme would produce an additional 2 passengers on each bus service during both the AM and PM peaks. That figure is not accepted. TfL estimate an additional 61 bus passenger trips and the developer has agreed a contribution to bus service

provision to mitigate the impact and increase capacity.

- 8.82. The submitted Transport Assessment also estimates that the proposal would produce an additional 142 passengers on the DLR during the AM peak and an additional 138 users during the PM peak. By 2011 (completion of development) it is anticipated that there will be 33 trains during both the morning and evening peaks. Capacity would be sufficient to accommodate the increase in passenger trips. No representations have been received from the DLR following consultation.
- 8.83. It is estimated that the development would produce an additional 135 Underground passengers during the AM peak and an additional 13 users during the PM peak. By 2011 (completion of development) it is anticipated that there will be 30 trains during both the morning and evening peaks with sufficient capacity to accommodate the proposed increase in passenger trips. London Underground Limited has not raised any objection following consultation.
- 8.84. The development is forecast to generate 445 pedestrian movements during the AM peak and 343 trips during the PM peak. The applicant has provided a Pedestrian Environment Review Service and, given the Council's aim of promoting encouraging sustainable transport measures, arrangements are considered acceptable. When works are completed, in conjunction with the development of Riverside South and 22 Marsh Wall, the pedestrian environment adjacent to the site and in the vicinity will provide excellent facilities in terms of the safety and security of pedestrians.
- 8.85. In summary, the proposed arrangements for access and servicing are considered acceptable and in accordance with the development plan for the area and the interim planning guidance.

### **Landscaping**

- 8.86. The landscape design for the development is not finalised. The submitted drawings show areas of public realm along both Westferry Road and Marsh Wall and between the development and 22-28 Marsh Wall. Soft landscaping would also be undertaken. Conditions are recommended to require the approval and implementation of the detailed landscaping of all external areas of the development and to mitigate wind impact. No reason is seen to conclude such that UDP policy DEV12 – 'Landscaping and trees' would not be met.

### **Sustainable development / renewable energy**

- 8.87. The Greater London Authority and the Council's Energy Officer are largely content with the proposed energy strategy, subject to any planning permission being conditioned to require the approval of further details to ensure compliance with policies 4A1 to 4A9 of The London Plan, policies CP38, DEV5 to DEV9 of the Council's interim planning guidance together with national advice in PPS22: Renewable Energy.

### **Planning obligations**

- 8.88. Planning obligations can be used in three ways: -
- (i) 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) To require a contribution to compensate against loss or damage that will result from a development. For example, loss of open space;
  - (iii) To mitigate the impact of a development. For example, through increased public transport provision.

- 8.89. Planning obligations should only be sought where they meet the 5 key tests outlined by the Secretary of State in Circular 05/2005. Obligations must be:
- (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.

- 8.90. Following consultation, in addition to a contribution to affordable housing, the following section 106 obligations have been requested:

**Greater London Authority (Transport for London)**

- 8.91.
- A contribution of £250,000 to help fund a study of Upper Bank Street / Aspen Way signal controlled junction and Preston's Road roundabout and funding any subsequent improvement works.
  - A contribution to assess the condition of bus stops within 400 metres of the development and upgrading those which are deficient.
  - A contribution of £258,000 towards improving local bus services.
  - A contribution to rectify dropped kerbs along Westferry Road.
  - Contributions for daisy boards and local pedestrian improvements.
  - A delivery service plan and construction logistics plan.
  - A workplace and residential travel plan.

**Policy and Development Manager - Cultural Services**

8.92.	Open space contribution to mitigate the residential development	£354,492
	Open space contribution to mitigate the hotel development	£128,702
	Leisure facilities contribution	£314,475
	Libraries /Idea Store contribution	£ 80,496
	Total contribution requested.	£878,165

**Head of Transportation and Highways**

- 8.93. A contribution to help fund the reconstruction and of the existing highway south of Westferry Circus, including improvements to visibility, footways, carriageways, carriageway markings, the provision of a cycle lane,

upgrading the junction and to facilitate the construction of the entrance to 15 Westferry Road. £267,140  
 A contribution of to improve the existing bus network. £200,000  
 These contributions do not include section 278 works which would be subject to a separate agreement at a later stage.

**Children’s Services (Education Development)**

8.94. A pooled contribution towards the provision of 31 additional primary school places @ £12,342 = £382,602.

**Strategic Transport Team**

- 8.95.
- Car free agreement.
  - Contribution to improve access and capacity to local bus services.
  - Contribution to a cycle route along Westferry Road.

**Tower Hamlets Primary Care Trust**

8.96. Total Capital Planning Contribution. £ 741,548  
 Total Revenue Planning Contribution. £2,494,053  
 Combined contribution sought for health. £3,235,601

**British Waterways**

8.97. Requests a contribution of £50,000 to mitigate noise from its pumping station adversely impacting on residents of the development.

8.98. (Officer comments). TfL has subsequently advised as little traffic from the development would pass through Upper Bank Street / Aspen Way junction or the Preston’s Road roundabout, the mitigation is no longer requested. Traffic information DAISY board(s) would be installed by the developer and no financial contribution is required. In line with established practice, the developer has been requested to make a capital contribution to the Tower Hamlets Primary Care Trust. It is considered that the mitigation of noise from the pumping station should be settled between BWB and the developer without the involvement of the local planning authority.

8.99. The following package of planning obligations, which is considered to meet the tests of Circular 05/2005, has been offered by the developer and is recommended:

Project	Estimated cost
<b>Affordable housing.</b> To provide 41% of the residential accommodation across both the City Pride and Island Point (443-451 Westferry Road) sites as affordable housing measured by habitable rooms with a tenure split of the affordable accommodation being 73% social rented and 27% intermediate housing with a mechanism	<hr/>

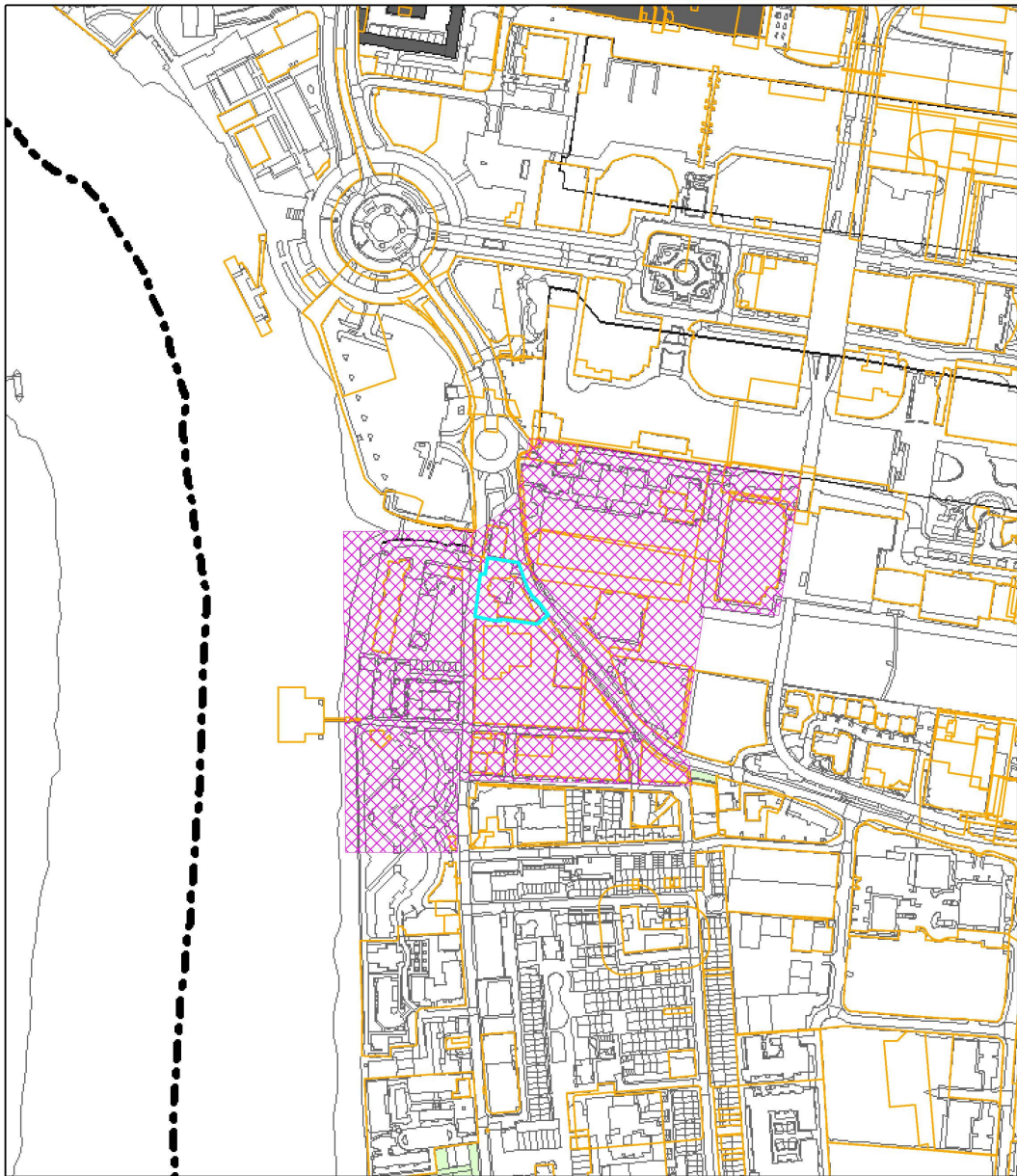
to ensure that the affordable housing at the Island Point site is provided prior to the on-site market housing at both sites is completed.	
<b>Bus Network Contribution</b> comprising £200,000 to fund improvements to local bus services and £20,000 to fund the upgrading of bus stops.	£220,000
To fund and implement a <b>Transport Plan</b> comprising: <ul style="list-style-type: none"> <li>• The submission and implementation of a hotel and residential travel plan, a delivery service plan and a construction logistics plan.</li> <li>• To provide, install and maintain DAISY board(s) to provide driver and transport information.</li> <li>• Car free arrangements that prohibit residents of the development other than disabled people from purchasing on street parking permits from the borough council.</li> </ul>	_____
A <b>Community and Open Space Contribution</b> to help fund open space improvements, leisure facilities and Library / Idea Store facilities on the Isle of Dogs.	£878,165
A <b>Highway Improvement Works Contribution</b> .	£217,140.
An <b>Education contribution</b> .	£382,602
A <b>Healthcare contribution</b> to help fund the capital programme of the Tower Hamlets Primary Care Trust.	£741,548
To participate in the Council's Access to Employment and / or Skillsmatch programmes.	
To commission <b>Public Art</b> within the development at a cost of at least £35,000.	_____
To undertake and necessary Television and radio reception mitigation measures	_____
<b>Total recommended financial contribution.</b>	<b>£2,439,455</b>


## 9 CONCLUSION

- 9.1. All 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 decisions are set out in the RECOMMENDATIONS at the beginning of this report.



# Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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 LA086568