

Committee: Strategic Development	Date: 26 th October 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Chris Stacey	Ref No: PA/16/03518
	Ward: Canary Wharf

1.0 APPLICATION DETAILS

Location: 49-59 Millharbour, 2-4 Muirfield Crescent and 23-39 Pepper Street, London, E14

Existing Use: Retail (Class A1) at ground floor level with commercial office space (Class B1) above and ancillary car parking at basement level.

Proposal: Demolition of existing buildings at 49-59 Millharbour, 2-4 Muirfield Crescent and 23-39 Pepper Street and the comprehensive mixed use redevelopment including two buildings ranging from 26 storeys (90.05m AOD) to 30 storeys (102.3m AOD) in height, comprising 319 residential units (Class C3), 1,708sqm (GIA) of flexible non-residential floor space (Classes A1, A3, A4 and D1), private and communal open spaces, car and cycle parking and associated landscaping and public realm works. The application is accompanied by an Environmental Statement.

Drawing and documents: *Drawings:*

B00 – Existing Basement Floor Plan, Rev 2
 B01 – Proposed Basement Plan, Rev 8
 B05 – Key Basement Areas, Rev 1
 000 – Indicative Demolition Plan, Rev 2
 001 – Site Location Plan, Rev 2
 002 – Existing Site Plan, Rev 2
 003 – Proposed Site Plan, Rev 2
 020 – Existing Ground Floor Plan, Rev 1
 021 – Existing Floor Plan L01, Rev 1
 022 – Existing Floor Plan L02, Rev 1
 023 – Existing Floor Plan L03, Rev 1
 100 – Ground Floor Plan L00, Rev 4
 101 – Floor Plan L01, Rev 4
 102 – Floor Plan L02, Rev 4
 103 – Floor Plan L03, Rev 4
 104 – Floor Plan L04-L06, Rev 4
 105 – Floor Plan L07-L12, Rev 4
 106 – Floor Plan L13, Rev 4
 107 – Floor Plan L14, Rev 4
 108 – Floor Plan L15, Rev 4

109 – Floor Plan L16-L20, Rev 4
110 – Floor Plan L21-L24, Rev 4
111 – Floor Plan L25, Rev 4
112 – Floor Plan L26-L28, Rev 4
113 – Roof Plan L29, Rev 2
120 – Ground Floor Plan L00 Building A, Rev 4
121 – Mezzanine Plan LM Building A, Rev 4
122 – Floor Plan L01 Building A, Rev 5
123 – Floor Plan L02-L14 Building A, Rev 4
127 – Floor Plan L15 Building A, Rev 4
128 – Floor Plan L16-L28 Building A, Rev 4
129 – Roof Plan L29 Building A, Rev 4
140 – Ground Floor Plan L00 Building B, Rev 4
141 – Mezzanine Plan LM Building B, Rev 4
142 – Floor Plan L01 Building B, Rev 5
143 – Floor Plan L02 Building B, Rev 4
144 – Floor Plan L03 Building B, Rev 4
145 – Floor Plan L04-L06 Building B, Rev 4
146 – Floor Plan L07-L12 Building B, Rev 4
147 – Floor Plan L13 Building B, Rev 5
148 – Floor Plan L14-L20 Building B, Rev 4
149 – Floor Plan L21-L24 Building B, Rev 4
150 – Roof Plan L25 Building B, Rev 4
200 – Proposed North Elevation in Context, Rev 4
201 – Proposed East Elevation in Context, Rev 4
202 – Proposed South Elevation in Context, Rev 4
203 – Proposed West Elevation in Context, Rev 4
205 – Existing North Elevation, Rev 1
206 – Existing East Elevation, Rev 1
207 – Existing South Elevation, Rev 1
208 – Existing West Elevation, Rev 1
210 – North Elevation Building A, Rev 4
211 – South Elevation Building A, Rev 4
212 – West Elevation Building A, Rev 4
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221 – South Elevation Building B, Rev 4
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223 – East Elevation Building B, Rev 4
253 – Section AA Building A, Rev 3
254 – Section BB Building A, Rev 3
255 – Section AA Building B, Rev 3
256 – Section BB Building B, Rev 3
280 – Building A Detailed Elevation, Rev 3
281 – Building B Detailed Elevation, Rev 3
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504 – Area Plans (GIA) Building A, Rev 3
508 – Area Plans (NIA) Building A, Rev 3
510 – Area Plans (GIA) (1 of 2) Building B, Rev 3
511 – Area Plans (GIA) (2 of 2) Building B, Rev 3
512 – Area Plans (GEA) (1 of 2) Building B, Rev 3
513 – Area Plans (GEA) (2 of 2) Building B, Rev 3
514 – Area Plans (NIA) (1 of 2) Building B, Rev 4
515 – Area Plans (NIA) (2 of 2) Building B, Rev 2
600 – Accessible Plan Building A Levels 2-14, Rev 3

602 – Accessible Plan Building A Level 15, Rev 3
 650 – Accessible Plans Building B Levels 4-6, Rev 3
 651 – Accessible Plans Building B Levels 7-12, Rev 3
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 680 – Typical Accessible 1B2P Unit Building B, Rev 3
 681 – Typical Accessible 2B4P Unit Building B, Rev 3
 683 – Typical Accessible 3B5P Unit Building B, Rev 1
 684 – Typical Accessible 2B4P Unit Building B, Rev 1
 700 – Tenure Plans (1 of 3) Building A, Rev 3
 701 – Tenure Plans (2 of 3) Building A, Rev 3
 702 – Tenure Plans (3 of 3) Building A, Rev 3
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 711 – Tenure Plans (2 of 3) Building B, Rev 4
 712 – Tenure Plans (3 of 3) Building B, Rev 4
 EXA_1637_PL_111 – Landscape General Arrangement Plan – Ground Floor, Rev E
 EXA_1637_PL_112 – Landscape General Arrangement Plan Level 01, Rev C
 EXA_1637_PL_201 – Landscape Planting Plan – Ground Floor, Rev C
 EXA_1637_PL_202 – Landscape Planting Plan – Level 01, Rev C

Supporting Documents:

- Aviation Safeguarding Assessment, Dated 19/12/2014, Waterman
- Business Relocation Strategy, 02B702792, Dated 01/03/2017, GVA
- Commercial Agents Report, Dated 28/11/2017, Montagu Evans
- Design and Access Statement, Dated November 2016 (With revised Section 5 and 7, Dated August 2017)
- Design Stage Site Waste Management Plan, Dated November 2016, Waterman
- Drainage Statement, 2160114 P1, Dated 29/11/2016, Elliott Wood
- Environmental Statement, Dated November 2016, Waterman
- Environmental Statement: Further Information and Clarification, Dated March 2017, Waterman
- Environmental Statement Addendum: June 2017 Design Changes, Further Information and Clarifications, Dated August 2017, Waterman
- Environmental Statement: Non-Technical Summary, Dated August 2017, Waterman
- Financial Viability Assessment Update Report, Dated August 2017, Redloft
- Internal Daylight & Sunlight Report, Dated

10/08/2017, EB7

- Planning Stage BREEAM Report, D1928/REPORTS, Dated 15/11/2016, Waterstone Design
- Planning Stage Energy Statement, D1928/REPORTS, Dated 11/11/2016, Waterstone Design
- Planning Statement, Dated November 2016, GVA
- Planning Statement Addendum, Dated August 2017, GVA
- Operational Waste Strategy, Dated November 2016, Waterman
- Operational Waste Strategy Letter, Dated 07/08/2017, Waterman
- Statement of Community Involvement, Dated November 2016, Newington Communications
- Sustainability Statement, Dated November 2016, Waterman
- Thermal Comfort Analysis, Dated October 2016, Waterstone Design
- Transport Assessment, 5592/001/R01A, Dated August 2017, Robert West

Applicant: Healey Development Solutions (Millharbour) Limited

Ownership: Applicant
356 ACQ Limited
Millharbour ACQ Limited

Historic Building: N/A

Conservation Area: N/A

2.0 EXECUTIVE SUMMARY

- 2.1. The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.
- 2.2. This report considers an application for the demolition of the existing buildings on site and the erection of two buildings of 26 and 30 storeys in height, comprising of 319 residential units on the upper levels, and 1,708sqm of non-residential use on the lower levels.
- 2.3. The site is located within a town centre, opportunity area, and a site allocation which promotes the delivery of a 'strategic housing development'. The site is also highly accessible. It is considered that the introduction of a residential-led mixed use development with supporting commercial and education/social/community uses in a town centre location is acceptable.

- 2.4. It is considered that as the proposal provides an acceptable level of affordable housing (beyond that which can be considered to be the maximum viable level) and a suitable mix of housing (including accessible housing), which is of a high residential standard, the application can be considered acceptable in housing terms.
- 2.5. The proposed design of the scheme is considered to be acceptable in terms of its impact on strategic views and heritage assets, its layout, height, scale and massing, its appearance, landscaping and material palette, and has also been designed in accordance with Secure by Design principles. As such, it is concluded that the application is acceptable in design terms.
- 2.6. The proposal would not significantly adversely impact the amenity of surrounding residents and building occupiers, and would also afford future occupiers of the development a suitable level of amenity, the proposed development can be seen to be in accordance with relevant policy and thus acceptable in amenity terms.
- 2.7. It is considered that as the proposal would not have an adverse impact upon the local highway and public transport network, would provide suitable parking arrangements, and would be serviced in a manner which would not adversely impact the local highway network, the proposal is acceptable in transport and highways terms.
- 2.8. The proposed refuse strategy for the site has been designed to accord with the Council's waste management hierarchy of reduce, reuse and recycle, in accordance with relevant policy.
- 2.9. A strategy for minimising carbon dioxide emissions from the development has been proposed in compliance with the London Plan energy hierarchy and a cash in lieu contribution has been agreed to offset the shortfall. The non-residential elements of the scheme have also been designed to be BREEAM 'Excellent'. The proposal is thus acceptable in energy and sustainability terms.
- 2.10. It is considered that the proposal is acceptable in archaeology, air quality, biodiversity, contaminated land, flood risk, microclimate, solar glare, SUDS, television and radio reception terms, and also in terms of its impact on trees. The scheme would be liable for both the Mayor's and the borough's community infrastructure levy. In addition, it would provide necessary and reasonable planning obligations with respect to affordable housing, local employment and training, carbon off-setting initiatives, and transport and highways matters.
- 2.11. Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material planning considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:

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

B. The prior completion of a **Section 106 legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £129,082 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £9,159 towards employment skills and training to access employment in the commercial uses within the final development (end user phase);
- c) A contribution of £473,400 towards carbon off-set initiatives;
- d) A contribution of £6,500 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total financial contributions: **£618,141**

Non-financial contributions

- a) Delivery of 35% Affordable Housing comprising of 37 intermediate units, and 58 rented units
 - b) Viability review mechanism
 - c) Provision of a welfare facility for the Metropolitan Police;
 - d) Permit free agreement restricting future residents from applying for parking permits;
 - e) 27 construction phase apprenticeships;
 - f) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
 - g) The securement of public access routes and areas of public realm on site including maintenance of these areas;
 - h) S.278 highways and public realm improvement works;
 - i) Management plan to reduce on-site car parking through existing lease re-negotiations or when existing leases expire;
 - j) Residential travel plan.
- 3.2. That the Corporate Director of Place is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.3. That the Corporate Director of Place is delegated authority to recommend the following conditions and informatives in relation to the following matters:

Prior to Commencement Conditions:

- 1. Construction Environmental Management Plan;
- 2. Ground contamination site investigation;
- 3. Details of the protection of retained and nearby trees;
- 4. Archaeological scheme of investigation;
- 5. Details of proposed craneage and scaffolding;
- 6. Piling method statement;
- 7. Television and radio reception survey;
- 8. Precautionary emergence survey (bats), if development has not commenced by March 2018;
- 9. Air quality assessment, if an on-site energy centre is proposed;
- 10. On-site noise assessment

Prior to Superstructure Works Conditions:

- 11. Details of proposed wheelchair accessible residential units;
- 12. Full details of biodiversity mitigation and enhancements;
- 13. Details and specification of all external facing materials;

14. Details and specification of all soft and hard landscaping, including details of communal amenity space and child play space;
15. Surface water drainage scheme;
16. Details of proposed cycle parking and associated facilities;
17. Details of wayfinding signage;
18. Secure by Design accreditation;
19. Details and specification of external glazing and balustrading;
20. Details of all external CCTV and lighting;
21. Details of extraction and ventilation for Class A3 and A4 uses;

Prior to Occupation Conditions:

22. Confirmation of as built CO2 emissions;
23. Delivery of BREEAM 'Excellent' for non-residential elements of scheme;
24. Ground contamination verification report;
25. Full delivery and servicing plan;
26. Waste management plan;
27. Details and specification of all commercial unit shop fronts and signage;
28. Details of electric vehicle charging points;
29. Confirmation that all proposed plant complies with noise level limits

Compliance Conditions:

30. Permission valid for 3 years;
31. Development in accordance with approved plans;
32. Hours of construction;
33. Hours of operation of non-residential uses;
34. Refuse storage to be provided prior to occupation and retained in perpetuity;
35. Cycle storage to be provided prior to occupation and retained in perpetuity.

Informatives

1. Subject to S106 and S278 agreements;
2. CIL liable;
3. Thames Water informatives;
4. National Grid informative;
5. CRT code of practice.

4.0 LOCATION DETAILS, PROPOSAL and DESIGNATIONS

Site and Surroundings

- 4.1. The application site is a rectangular parcel of land which sits in the centre of the Isle of Dogs immediately to the west of the Glengall Bridge, which forms the boundary between Millwall Inner and Millwall Outer docks, and is bounded to the east by Millharbour, to the north by 47 Millharbour and 1-3 Muirfield Crescent, and to the south by Greenwich View Place.

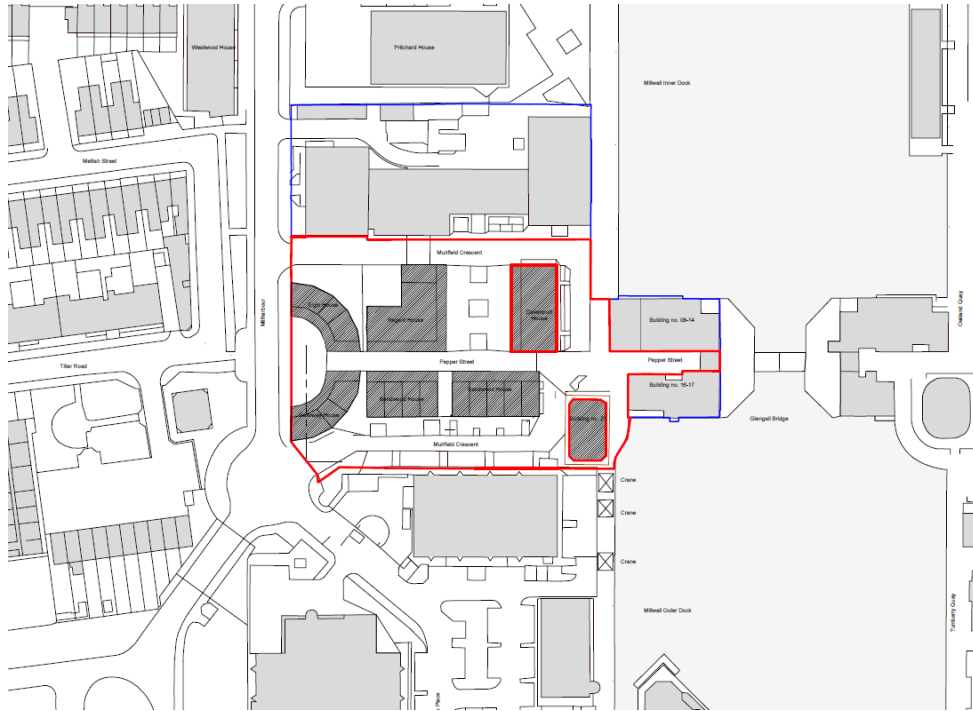


Fig.1 – Application Site

- 4.2. The application site has a site area of 0.65 hectares and currently comprises of six buildings: Elgin House; Galloway House; Regent House; Waverley House; Sandwood House; and Tayside House. Both Davenport House and 21 Pepper Street (also known as the Pepper Saint Ontiod) are both omitted from the application site boundary. Pepper Street runs through the centre of the site running from east to west and forms an important route for both pedestrians and cyclists connecting both the east and west sides of the Island. Muirfield Crescent which is predominantly used as a servicing route also runs through the site in the form of a horseshoe and effectively forms the north, east and south borders of the application site.



Fig.2 – Aerial View of Application Site

- 4.3. The existing buildings on site all date from the late 1980s and range in height from 3 to 4 storeys (including ground). The predominant use across the site is commercial office space (B1), with retail (A1) uses at ground floor, and ancillary car parking at basement level which is accessed from Millharbour. Davenport House is a 4 storey office building (B1) and 21 Pepper Street is a 2 storey public house (A4), however neither of these two buildings form a part of the application site.
- 4.4. 47 Millharbour and 1-3 Muirfield Crescent (also known as Archway House and Bellerive House) which sit to the north of the application site are of similar appearance to the properties on the application site, range from 5 to 8 storeys in height, and are in use for both office (B1) and data centre (B8) uses. Archway House is also currently in the process of being extended to provide further B8 floor space. To the north of these buildings is 45 Millharbour which is a newly constructed residential (C3) development of modern appearance ranging from 7-14 storeys in height.
- 4.5. 1 Greenwich View Place to the south of the application site is currently being redeveloped to provide a new data centre (B8) of 3 storeys in height which will largely follow the existing footprint of the existing data centre building. This building will link into the new data centre at 2-4 Greenwich View Place and is clad in a mixture of glazing and granite faced cladding panels.
- 4.6. 8-19 Pepper Street to the west of the application site is also of similar appearance to the properties on the application site, ranges from 3 to 5 storeys in height and is in residential (C3) use with a small internal car park at ground floor level. This building is laid out in a horseshoe shape with Pepper Street passing through the middle and sits at the western end of the Glengall Bridge.
- 4.7. Millharbour runs along the western boundary of the application site terminating just to its south, and to the west side of Millharbour sit Mellish Sreet, Tiller Road and Omega Close. Development within this area is predominantly residential ranging from 2 to 4 storeys in height and is a mixture of pre-war, post-war and contemporary period buildings.
- 4.8. The site does not fall within a designated conservation area and does not sit within close proximity to any statutory or locally listed buildings.

Proposal

- 4.9. The applicant is seeking planning permission for the redevelopment of the site for the erection of two new buildings of 30 (Building A) and 26 (Building B) storeys which together comprise 1,708sqm of retail and nursery uses at ground and mezzanine floor levels, with 319 residential units above (comprising a mixture of private market and affordable housing), as well as enhanced public realm including an east-west route linking Millharbour with Glengall Bridge and private amenity and play space.
- 4.10. The 1,708sqm of non-residential uses proposed comprise of 572sqm of retail (A1) floor space across 4 units, 375sqm of restaurant and café (A3) floor space across 2 units, 203sqm of drinking establishment (A4) floor space within 1 unit, and 558sqm of non-residential institution (D1) floor space, in the form of a nursery. All of the non-residential uses are proposed at either ground or mezzanine levels across Buildings A and B.

- 4.11. In relation to the 319 residential units proposed on the upper levels of both buildings, 35% of these would be affordable housing by habitable room. In dwelling numbers this will comprise 224 market units, 37 intermediate units and 58 social/affordable rented units. The details of this provision, in terms of tenure and unit type mix is set out in the below tables:

Tenure	Units	As a %	Habitable Rooms	As a %
Market Sector	224	70%	597	65%
Intermediate	37	12%	95	10%
Social/Affordable Rented	58	18%	228	25%

Fig.3 – Number and Percentage of Units and Habitable Rooms by Tenure

Tenure	1-bed	2-bed	3-bed	4-bed
Market Sector	89	121	14	0
	40%	54%	6%	0%
Intermediate	16	21	0	0
	43%	57%	0%	0%
Social/Affordable Rented	14	14	22	8
	24%	24%	38%	14%

Fig.4 – Unit Types by Tenure

- 4.12. The taller Building A which stands at 30 storeys in height has an above ordnance datum (AOD) height of 102.3m and sits in the north-western corner of the site to the north of Pepper Street and directly to the east of Millharbour. The shorter Building B which stands at 26 storeys in height has an AOD height of 90.05m and sits in the south-eastern corner of the site to the south of Pepper Street and directly to the west of 21 Pepper Street. Both Building's A and B feature a larger podium structure of 3 storeys in height, with Building B's podium structure extending to 5 storeys in height on its western elevation. Pepper Street is proposed to be widened, and a new pocket park along with two new public spaces are also to be provided on the site.



Fig.5 – Proposed Site Layout

- 4.13. Communal amenity space for future residents of the development is proposed to be provided within both Building's A and B. An internal resident's lounge at 1st floor level measuring 226sqm is to be provided within Building A and a roof top external communal garden measuring 171sqm is to be provided within Building B. Dedicated play space for various age groups is also to be provided across both buildings, with Building A featuring an external play area measuring 400sqm at podium level, Building B featuring both internal and external play space measuring 612sqm at podium level, and a further 338sqm of child play space being provided within the pocket park to the front of Building B.
- 4.14. The proposed development incorporates an enlarged basement level which will provide for all the servicing requirements of the development as well as providing long stay cycle parking and blue badge parking for the development. Short stay cycle parking for the development is provided at surface level within the proposed landscaping. A total of 8 blue badge parking spaces, 570 long stay cycle parking spaces and 38 short stay cycle parking spaces are proposed.

Designations

- 4.15. The site sits within the Isle of Dogs and South Poplar Opportunity Area and will form a key part of the Mayor of London's 'City in the East' project which seeks to promote the development of the east of London as an integrated part of the capital. Whilst the planning framework document for the Isle of Dogs and South Poplar Opportunity Area is currently in the process of being prepared, it is envisaged that this area will deliver up to 30,000 new homes and 110,000 new jobs over the next 20 years.
- 4.16. The site is identified as an Area of Regeneration in the London Plan and sits within the Isle of Dogs Activity Area (a form of town centre) where a mixture of uses which provide a transition between the scale, activity and character of Canary Wharf major town centre and the surrounding places will be supported.
- 4.17. The site is located within Site Allocation 17 (Millennium Quarter) as per the Council's Local plan. The allocation envisages a comprehensive mixed-use redevelopment to provide a strategic housing contribution and a district heating facility where possible. The Allocation also states that developments should include commercial floor space, open space and other compatible uses and advises that development should recognise the latest guidance for Millennium Quarter. The site continues to be within a site allocation within the Council's emerging local plan.
- 4.18. The site sits within Flood Zone 3 as designated by the Environment Agency which is defined as being land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, ignoring the presence of defences. The adjacent Millwall Outer Dock is also designated as a Site of Importance for Nature Conservation (SINC).
- 4.19. The site, as with the whole Borough, sits within an Air Quality Management Area and the London City Airport Safeguarding Zone.
- 4.20. The site is within the London Plan Views Management Framework (LVMF). Of particular relevance are the views from the General Wolfe Statue in Greenwich Park, the wider Maritime Greenwich World Heritage Site and views of Tower Bridge from London Bridge.

- 4.21. The site is also located on the Tower Hamlets 'Green Grid' network, sits within an area of potential contaminated land risk and sits within CIL charging zone 1.

Relevant Planning History

Application Site

- 4.22. PA/07/01785 - Outline application for redevelopment to provide an eight storey building plus plant (not exceeding 29.5m in height) comprising retail/restaurant (Class A1/A3) use at ground floor with 89 residential units above and reconfiguration of existing basement car park (including access arrangement over adjoining land at 47 Millharbour, 1 and 2 to 4 Muirfield Crescent), associated servicing and landscaping. (Permission granted 16/04/2008, but not implemented)
- 4.23. PA/11/00921 - Application to replace extant outline permission ref PA/07/1785, dated 16/04/08, in order to extend the time limit for implementation for the redevelopment to provide an eight storey building plus plant (not exceeding 29.5m in height) comprising retail/restaurant (Class A1/A3) use at ground floor with 89 residential units above and reconfiguration of existing basement car park (including access arrangement over adjoining land at 47 Millharbour, 1 and 2 to 4 Muirfield Crescent), associated servicing and landscaping. (Permission granted 29/03/2012, but not implemented)
- 4.24. PA/14/03585 - Demolition of the existing buildings and structures and redevelopment of the site to provide a residential-led mixed use development comprising one building of up to 45 storeys and two buildings of up to 15 storeys each. Provision of up to 484 residential (Class C3) units in total together with retail (Class A1-A4) space, community / other non-residential institution (Class D1) space, open space, amenity space, landscaping, access, servicing, car parking, cycle parking, plant, storage, ancillary residential facilities and associated works. (Application withdrawn 31/03/2016)



Fig.6 – Previously Withdrawn Scheme (PA/14/03585)

- 4.25. PA/15/00838 - Application for reserved matters on design including layout, external appearance and landscaping pursuant to condition 2 following outline planning permission refs PA/07/01785 and PA/11/00921. (Permission granted 04/06/2015, but not implemented)

Surrounding Sites

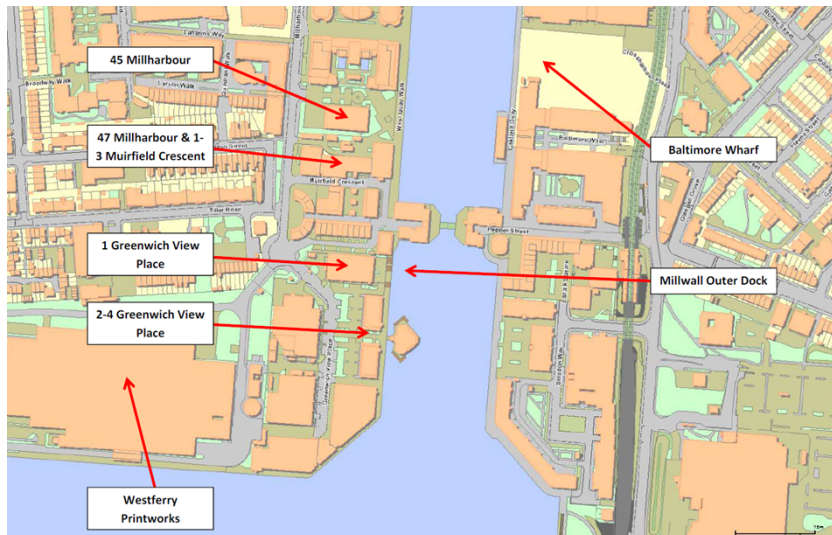


Fig.7 – Location of Surrounding Sites

21 Pepper Street

- 4.26. PA/11/01036 - Provision of a new floor at second floor level and associated changes to roof of existing development to accommodate required internal head height. Development currently a public house at ground and first floor use to be

retained. New floor at second to be used as a 2 bedroom flat. (Permission granted 12/07/2011)

45 Millharbour

- 4.27. PA/11/00798 - Demolition of all existing buildings and erection of a part 7 storey & part 14 storey mixed use building comprising 880sq.m of ground floor commercial (A2/A3/B1) floorspace, 132 residential flats (C3), ground level public open space and associated underground parking. (Permission granted 27/02/2012)
- 4.28. PA/13/02210 - Section 73 Application for variation of condition 2 (approved plans) of planning permission dated 27 February 2013, reference number PA/11/00798 which gave consent for the *"Demolition of all existing buildings and erection of a part 7 storey & part 14 storey mixed use building comprising 880sq.m of ground floor commercial (A2/A3/B1) floorspace, 132 residential flats (C3), ground level public open space and associated underground parking."* Amendments proposed include: Increase in size of the residential entrance; reduction in size of the A2 floor space within Block A; and reconfiguration of private residential units to increase the number of private residential from 100 to 106 residential units. (Permission granted 09/12/2013)
- 4.29. PA/16/03056 - Section 73 Application for variation of condition 2 (approved plans) of planning permission PA/13/02210 dated 09/12/2013 which gave consent for the *"Demolition of all existing buildings and erection of a part 7 storey & part 14 storey mixed use building comprising 880sq.m of ground floor commercial (A2/A3/B1) floorspace, 132 residential flats (C3), ground level public open space and associated underground parking."* Amendments proposed include: Ground floor reconfiguration; introduction of Mezzanine level; ground floor louvres; landscaping levels and design; plant and Photovoltaic at roof level. (Application withdrawn 03/03/2017)

47 Millharbour and 1-3 Muirfield Crescent

- 4.30. PA/06/00893 - In outline, redevelopment to provide 143 residential units in buildings of up to 10 storeys in height with A1 and A3 use at ground floor level with reconfiguration of existing basement car park, associated servicing and landscaping. (Permission granted 10/07/2007)
- 4.31. PA/10/01177 - Application to replace extant planning permission in order to extend the time limit for implementation of Planning Permission Ref: PA/06/893 [Outline development to provide 143 residential units in buildings of up to 10 storeys in height with an A1 and A3 use at ground floor level with reconfiguration of existing basement car parking, associated servicing and landscaping]. (Permission granted 03/09/2010)
- 4.32. PA/13/00803 - Change of use from business (Use Class B1) to data centre (Use Class B8) extensions to and refurbishment of Archway House to include two additional floors of data centre use with associated plant. (Permission granted 13/12/2013)
- 4.33. PA/14/00604 - Application under S73 of the Town and Country Planning Act for a minor material amendment to Planning Permission PA/13/00803, dated 13/12/2013 for a variation to condition 2 to allow substitute plans for the following amendments: Infilling of part of the first floor, to provide an additional 400sqm (Gross Internal Area) within the approved building envelope and a further 666sqm (Gross Internal

Area) of covered plant area to the sixth floor; and a subsequent change in roof profile to accommodate plant equipment, from 30m to 32.1m maximum height. (Permission granted 30/01/2015)

1 Greenwich View Place

- 4.34. PA/11/01481 – Upgrading of existing data centre building including alterations to existing louvres, installation of additional louvres, addition of doors, cladding of existing exit door, demolition of existing substation and re-construction to current EDF standards; new 2.5m high palisade boundary fence to rear. (Permission granted 03/08/2011)
- 4.35. PA/16/01026 – Demolition of existing data centre buildings and the erection of a single 3 storey data centre building landscaping, roof level plant and associated works; erection of an enclosed elevated pedestrian link. (Permission granted 31/10/2016)

2-4 Greenwich View Place

- 4.36. PA/12/02055 - Demolition of existing office buildings (B1) and the erection of a three storey data centre building (Class B8), landscaping roof level plant and associated works; erection of an enclosed elevated pedestrian link and retention of office building (Unit 3). (Permission granted 14/03/2013)
- 4.37. PA/16/00027 - Application for variation of condition 2 (compliance with plans) of planning application dated 07/10/2013, ref: PA/12/02055. (Permission granted 07/03/2016)

Millwall Outer Dock

- 4.38. PA/16/01798 - Erection of a 16 berth residential mooring, including the installation of mooring pontoons and associated site infrastructure. (Permission refused 20/06/2017)

Baltimore Wharf

- 4.39. PA/06/02068 - Redevelopment by the erection of 8 buildings 7 to 43 storeys to provide 149,381 sq m of floor space over a podium for use as 1057 residential units, 25,838 sq m of Class B1 (offices), a 149 room hotel; a 10,238 sq m. apart-hotel; a Class D1/D2 community facility of 1,329 sq m, 2,892 sq m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sq m, associated car parking, landscaping including new public open spaces and a dockside walkway. (Revised scheme following grant of planning permission PA/04/904 dated 10th March 2006).
- 4.40. PA/08/00504 - Amendment to the approved application, reference PA/06/2068, permitted on 3rd October 2007 involving revised designs, layout and land uses, removing Office (B1) uses and providing 6 additional hotel rooms (143 in total), 195 serviced apartments, 54 additional residential units (1111 in total), additional retail floorspace, a health club and additional open space.

Westferry Printworks

- 4.41. PA/15/02216 - Demolition of existing buildings and structures at the former Westferry Printworks site and the comprehensive mixed use redevelopment including buildings ranging from 4- 30 storeys in height (tallest being 110m AOD) comprising: a secondary school (Class D1), 722 residential units (Class C3), retail use (Class A1), flexible restaurant and cafe and drinking establishment uses (Class A3/A4), flexible office and financial and professional services uses (Class B1/A2), Community uses (Class D1), car and cycle basement parking, associated landscaping, new public realm and all other necessary enabling work (Amended description of development).

5.0 POLICY FRAMEWORK

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

- 5.2. The list below contains the most relevant policies to the application:

5.3. Government Planning Policy

National Planning Policy Framework (March 2012) (NPPF)
National Planning Guidance Framework (March 2014) (NPPG)

5.4. London Plan 2016

- 2.9 Inner London
- 2.13 Opportunity Areas
- 2.14 Areas for regeneration
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 3.18 Education facilities
- 4.1 Developing London's economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector and related facilities and services
- 4.12 Improving opportunities for all
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4A Electricity and gas supply
- 5.5 Decentralised energy networks

- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 7.26 Increasing the use of the blue ribbon network for freight transport
- 7.30 London's canals and other river and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

5.5. **Core Strategy 2010**

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP07 Improving education and skills
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations

5.6. Managing Development Document April 2013

DM0 Delivering Sustainable Development
DM1 Development within the town centre hierarchy
DM3 Delivering Homes
DM4 Housing standards and amenity space
DM8 Community infrastructure
DM9 Improving air quality
DM10 Delivering open space
DM11 Living buildings and biodiversity
DM12 Water spaces
DM13 Sustainable drainage
DM14 Managing Waste
DM15 Local job creation and investment
DM18 Delivering schools and early learning
DM20 Supporting a sustainable transport network
DM21 Sustainable transportation of freight
DM22 Parking
DM23 Streets and the public realm
DM24 Place sensitive design
DM25 Amenity
DM26 Building heights
DM27 Heritage and the historic environments
DM28 World heritage sites
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

5.7. Supplementary Planning Documents

Character and Context SPG (June 2014)
Development Viability SPD (October 2017)
Homes for Londoners: Affordable Housing and Viability SPG (August 2017)
Housing SPG (March 2016)
London View Management Framework SPG (March 2012)
London's World Heritage Sites - Guidance on Settings SPG (March 2012)
Millennium Quarter Public Realm Guidance Manual (2008)
Planning for Equality and Diversity in London (October 2007)
Planning Obligations SPD (September 2016)
Shaping Neighbourhoods Accessible London: Achieving an Inclusive Environment SPG (October 2014)
Shaping Neighbourhoods: Play and Informal Recreation SPG (September 2012)
Social Infrastructure SPG (May 2015)
Sustainable Design and Construction SPG (April 2014)
The Control of Dust and Emissions During Construction and Demolition SPG (July 2014)
Tower Hamlets CIL Charging Schedule (April 2015)
Town Centres SPG (July 2014)

6.0 CONSULTATION RESPONSE

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

INTERNAL RESPONSES

Conservation and Design Advisory Panel (CADAP)

- 6.3. The proposal has been presented to CADAP on two occasions, with the panel raising concerns with the manner in which the design responded to the local character, the quantity and quality of provision of public realm, communal amenity and child play space, the architectural articulation of the proposed buildings and the impact of the proposals on the data centres on the adjacent sites.
- 6.4. In response to these comments the applicant has made notable amendments to the scheme which are discussed further in the 'Material Planning Considerations' section of this report.

LBTH Education Development Team

- 6.5. No objection.

LBTH Environmental Health – Air Quality

- 6.6. The submitted air quality assessment is acceptable. In the event that a connection to the Barkantine heat network is not feasible and an on-site energy centre is required, an air quality assessment must be submitted in order to demonstrate that the impacts of the energy centre on local air quality is acceptable and that the energy centre meets the GLA's air quality neutral policies.

LBTH Environmental Health – Contaminated Land

- 6.7. A full site investigation report will be required prior to the commencement of works, and a full verification report will be required prior to occupation of the development.

LBTH Environmental Health – Noise and Vibration

- 6.8. No comments received.

LBTH Environmental Health – Smell and Pollution

- 6.9. No comments received.

LBTH Occupational Therapist

- 6.10. The proposed residential units meet relevant standards (90% M4(2) 'accessible and adaptable dwellings' and 10% M4(3) 'wheelchair user dwellings'). A condition securing the proposed units in line with these standards and requiring detailed layouts of the wheelchair accessible units should be imposed.

LBTH Senior Arboricultural Officer

- 6.11. The proposed development successfully mitigates for the proposed tree losses and is acceptable subject to conditions requiring a detailed planting scheme, and details of how retained trees both on and close to the site will be protected during construction works.

LBTH SUDS Team

- 6.12. Prior to the commencement of any superstructure works, a surface water drainage scheme for the site based on sustainable drainage principles will be required to be submitted.

LBTH Transport and Highways

- 6.13. The proposed development is to be car free which is welcomed, and a permit free agreement should be secured under S.106 in the event planning permission is granted. Whilst the number of blue badge spaces proposed falls short of London Plan requirements, the quantum can be considered acceptable subject to a car parking management plan being secured under S.106 which would require existing car parking spaces to be removed/or reallocated to blue badge users as and when leases expire or are renegotiated.
- 6.14. The proposed quantum of cycle parking spaces is in accordance with the 2015 FALP standards which is welcomed and further details in terms of access to the cycle stores should be provided. The applicant should provide a portion of 'Sheffield' type cycle stands as well as stands for adapted cycles for the residential element of the development, and provide washing and changing facilities for the non-residential element of the development. In the event that planning permission is granted further details of the proposed cycle parking should be conditioned as well as a requirement to retain and maintain the proposed cycle parking for the lifetime of the development.
- 6.15. The applicant proposes to widen Pepper Street which is welcomed and a design which minimises street clutter along Pepper Street should be pursued. Officers would also encourage the applicant to remove vehicular traffic from Pepper Street and re-route it via Muirfield Crescent instead. At pre-app stage it was requested that public realm improvements to link this development to future development on the other side of Millharbour should be incorporated, and such works should be secured via a S.278 agreement.
- 6.16. Further details regarding servicing are required and a full service and delivery management plan will need to be secured by condition. Officers would encourage the applicant to remove servicing routes from Pepper Street in order to reduce conflict with pedestrians and cyclists. A demolition and construction management plan should also be conditioned prior to the commencement of works taking place on site.
- 6.17. In terms of trip generation created by this development, the submitted figures contained within the transport assessment should include the proposed nursery use. Furthermore the baseline travel surveys included within the assessment need to be updated as they are taken from 2014 and are thus out of date, and a cumulative survey (taking into account other nearby committed developments) should also be included. A travel plan for all proposed uses should also be conditioned prior to the first occupation of the development.

LBTH Waste Policy and Development

- 6.18. The applicant is required to clarify whether the proposed quantum of bins have been proposed for either a once weekly or twice weekly collection. The applicant should also explore alternative methods of waste collection in order to reduce the amount of vehicular trips required to make refuse collections. Further clarification is also required regarding: how waste collection for the proposed town houses would

be managed; the distances between the bins and doors to the refuse stores; and the management of the bulk storage area.

EXTERNAL RESPONSES

Association of Island Communities

- 6.19. No comments received.

Barkantine Tenants Association

- 6.20. No comments received

Canal and River Trust

- 6.21. A condition requiring further details of the proposed hard and soft landscaping should be imposed, and the Council should give consideration to funding improvements to the public realm alongside Millwall Inner Dock from CIL receipts. Whilst the trust have no significant concerns to raise on the environmental impact of this development, the Council should fully consider the impact of development on the wind microclimate alongside the docks, and the trust should be consulted with on any Construction Environmental Management Plan when submitted in order that we can consider whether there are any potential impacts on the docks. An informative regarding the trust's 'Code of Practice' for works should also be appended to the decision notice should planning permission be granted.

Crime Prevention Officer

- 6.22. Given the high levels of locally reported crimes it is recommended that a condition requiring the development to achieve Secure by Design accreditation is imposed in the event that planning permission is granted. It is also considered that this development is well placed to deliver a small 'welfare' facility for offices on duty and this should be secured via a S.106 agreement.

East End Preservation Society

- 6.23. No comments received.

Environment Agency

- 6.24. We have no objections to the planned development. Although the site is located within Flood Zone 3 and is protected to a very high standard by the Thames Tidal flood defences, flood modelling shows that it is at risk if there was to be a breach in the defences or they were to be overtopped. This proposal does not have a safe means of access and/or egress in the event of flooding from all new buildings to an area wholly outside the floodplain, however, safe refuge within the higher floors of the development has been suggested by the applicant. To improve flood resilience, we recommend that finished floor levels are set above the 2100 breach level which is 5.46m AOD.

Greater London Authority

- 6.25. The proposed mixed-use development, to include housing and commercial uses to serve the local population, is strongly supported in accordance with strategic planning policy.

- 6.26. The principle of a PRS (Private Rented Sector) housing scheme in this highly accessible location within an opportunity area is also supported, however the current affordability of the offer is not consistent with the requirements of the Mayor's draft Affordable Housing and Viability SPG. The applicant should explore the possible inclusion of the London Living Rent product and should also test whether the scheme can viably deliver 40% affordable housing with grant funding.
- 6.27. The proposed density of the scheme exceeds the guidance range set out in the London Plan, however as no strategic concern is raised with regard to scale and massing, the proposal responds positively to London Plan design policies, is of a high residential quality, and provides appropriate levels of play space, the density of the scheme can be considered acceptable.
- 6.28. The layout of the scheme is well resolved, and the improvements to Pepper Street are also welcomed, however the retention of Davenport House and 21 Pepper Street does limit the configuration and quantum of the proposed public realm, and a comprehensive scheme involving the demolition of these building would deliver notable benefits. The residential layouts on the lower levels of Building B have also been designed so as not to impact on the future development potential of the site to the south which is welcomed.
- 6.29. The proposed building heights would be taller than the emerging context along this part of Millharbour, however would be similar to other permitted schemes nearby such as Baltimore Wharf and Westferry Printworks. Whilst the towers would be prominent in local views, given the high standard of architecture proposed and the emerging context within the opportunity area, the height of the proposal does raise strategic concern. When viewed from the east and west the proposal would be seen to step away from the taller buildings in the Canary Wharf cluster and South Quay, and it is not considered that the proposal has a detrimental impact on any of the LVMF views in which it would be visible, nor would it harm the setting of the MGWHS or any other heritage assets and as such the height of the proposal is therefore acceptable with regard to heritage and strategic views. The overall design approach is supported and will result in a high quality contemporary design.
- 6.30. The residential quality of the scheme is high and is therefore acceptable in terms of residential quality. There would be no more than 8 units per core and dual aspect units are maximised, with no single aspect north-facing units, which is welcomed. All dwellings meet or exceed the minimum space standards, and would be in overall conformity with the minimum standards for external amenity space. The scheme also achieves a minimum residential floor to ceiling height of 2.5 metres.
- 6.31. The applicant has confirmed that all residential units will meet Building Regulation M4(2) standards, and that 10% of the units will be designed to be fully adaptable and adjustable to wheelchair users (M4(3) standard) which would be distributed across unit types and tenures. The proposals would also ensure level and inclusive access to the non-residential uses and throughout the public realm, which is welcomed. Four Blue Badge spaces are proposed in the basement, which does not comply with London Plan standards, and this provision should be increased.
- 6.32. A range of energy efficiency measures are proposed, including low energy lighting and energy metering and monitoring. The proposed development does not achieve any carbon savings from energy efficiency alone compared to 2013 Building Regulations and additional energy efficiency measures should be explored. The applicant proposes to connect to the Barkantine district heating network which is

welcomed. A range of renewable technologies have been investigated and a photovoltaic (PV) array is proposed, however the applicant should investigate increasing the amount of PV to maximise on-site savings. The proposal expects to achieve an overall carbon saving of 32% for the residential element and 17% for the commercial element compared to the 2013 Building Regulations and the applicant should consider additional energy efficiency measures before the LPA agree a carbon offsetting payment.

- 6.33. Whilst the proposals are acceptable in relation to flood risk, there is a concern that the surface water drainage design does not maximise the opportunity to reduce surface water discharge. The applicant should consider further alternative designs and, given the location adjacent to Millwall Dock, further consideration should be given to connecting directly to the dock.
- 6.34. The widening and redesign of Pepper Street is welcomed, however further clarification is required on how the design of Pepper Street avoids potential conflicts between pedestrians, cyclists and vehicles. New wayfinding signage should also be proposed within the site to encourage walking and cycling, and 24 hour public access through the site should be secured under the S.106 agreement. The proposal will see a reduction of 88 car parking spaces compared with the existing situation, with 4 spaces designated as Blue Badge spaces and 54 spaces allocated to existing leaseholders in the area. Whilst the reduction in car parking spaces is welcomed the applicant should explore the possibility of reallocating leaseholder spaces to increase Blue Badge provision. The proposed quantum of cycle parking is acceptable and further details of this provision should be provided.
- 6.35. A full delivery and servicing plan and construction logistics plan should be secured by condition and the application should also demonstrate how this key east-west route through the site will remain functional during construction. The submission of a framework residential travel plan and a full travel plan should be secured through condition or S.106 agreement.

Greenwich Society

- 6.36. No comments received.

Historic England

- 6.37. Historic England is pleased to find the present application shows dramatic improvements when compared to the previous application for this site (PA/14/03585) and substantially addresses the concerns raised by Historic England under that application. Historic England recommends that the present application should be determined in accordance with national and local policy guidance, and on the basis of LBTH's specialist conservation advice.

Historic England Archaeology

- 6.38. The planning application lies in an area of archaeological interest. A condition is therefore recommended to require a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

Isle of Dogs Community Foundation

- 6.39. No comments received.

Isle of Dogs Neighbourhood Planning Forum

- 6.40. No comments received.

London City Airport

- 6.41. The proposed development has been examined from an aerodrome safeguarding perspective and from the information given LCA has no safeguarding objection. A condition requiring details of the location, maximum operating height and duration of any cranes or scaffolding to be erected on site if they exceed the height of the proposed development has been requested.

London Fire and Emergency Planning Authority

- 6.42. Pump appliance access and water supplies for the fire service appear adequate. In other respects this proposal should conform to the requirements of part B5 of Approved Document B. The LFEPA strongly recommends that sprinklers are considered within this development.

Mill Quay Residents Association

- 6.43. No comments received.

Millwall Tenants Association

- 6.44. No comments received.

National Air Traffic Services

- 6.45. The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.

National Grid

- 6.46. Due to the presence of National Grid apparatus in proximity to the application site, the developer should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works.

Natural England

- 6.47. Based on the plans submitted Natural England does not object to these proposals. Natural England welcome the fact that the landscaping gives priority to pedestrians and cyclists and that the development seeks to ensure a net gain for biodiversity. Care should be taken to assess the impact of the development on the adjacent SINC, in particular the effect of overshadowing from the development.

Thames Water Authority

- 6.48. No objection to the proposal subject to a condition requiring the submission of a piling method statement, and informatives noting the presence of large water mains crossing the application site and the minimum pressure able to be provided by Thames Water.

Transport for London

- 6.49. TFL has no objection to the applicant's PTAL recalculation of the site and do not consider that the proposed development would have a material impact upon the transport network. TFL welcome the proposed improvements to Pepper Street and would encourage the applicant to consider the introduction of wayfinding signage such as Legible London signage.
- 6.50. Whilst below the London Plan requirements, the quantum of proposed blue badge parking is welcomed given the site's proximity to the DLR which is fully step free. A car parking management plan which outlines how blue badge parking will be allocated and a plan for car parking when existing leases expire should be conditioned and the applicant should also clarify the location of electric vehicle charging points (EVCP's). The proposed cycle parking provision within the development is welcomed as is the submitted draft construction logistic plan (CLP), and a full CLP should be conditioned in the event that planning permission is granted.

7.0 LOCAL REPRESENTATION

Applicant's Consultation

- 7.1. The applicant held two public exhibitions in the form of an afternoon and evening session on separate days in September 2016 on the development site. A total of 5,000 leaflets making local residents aware of the proposals and the public exhibitions were distributed within the local area in September 2016 along with an advert in the local press. A number of key stakeholders, including local councillors and residents associations, were also contacted with the offer of individual briefings on the proposals in the event that they could not attend the exhibitions.

Statutory Representations

- 7.2. A total of 2906 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 on site by way of a site notice and advertised in the local press. Following amendments a further round of consultation took place.
- 7.3. The number of representations received in response to notification and publicity of the application is as follows:

Initial Representations:

No of individual responses:	Objecting: 15 Supporting: 0
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No of petition responses:	Objecting: 1 containing 13 signatories Supporting: 0
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Following Re-consultation:

No of individual responses:	Objecting: 8 (<i>of which 2 initially objected</i>) Supporting: 0
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No of petition responses:	Objecting: 0
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7.4. The following issues were raised in objection to the proposal:

- Impact on infrastructure (e.g. doctors surgeries, dental practices, local road network, DLR etc.)
- Noise pollution and dust generated from construction activities
- Height of proposal
- Design of proposal is uninspiring
- Proposal does not 'step down' from developments to the north
- Adverse impact on protected views from Maritime Greenwich
- Overshadowing and impact on daylight/sunlight
- Overdevelopment of site
- Lack of open space within development
- The existing buildings on site are attractive and viable for existing businesses
- Adverse impact on the local character of the area
- Creation of a 'wind tunnel effect' along Millharbour

7.5. These issues are considered within the following section of the report.

8.0 MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Density
- Housing
- Design
- Amenity
- Highways and Transport
- Waste
- Energy Efficiency and Sustainability
- Environmental Considerations
- Environmental Impact Assessment
- Impact Upon Local Infrastructure/Facilities
- Other Local Finance Considerations
- Human Rights Act 1998
- Equalities Act 2010

Land Use

Policy Context

- 8.2. Paragraph 24 of the NPPF states that local planning authorities should require applications for main town centre uses to be located in town centres, and paragraph 49 on the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 8.3. Policy 2.13 of the London Plan (2016) seeks to ensure that developments within Opportunity Areas *"support the strategic policy directions for the Opportunity Area"* and *"seek to optimise residential and non-residential output and densities"*.

- 8.4. The Council's Core Strategy policy SP01 states that the Tower Hamlets Activity Area should provide a transitional area that is complementary, yet different, to the distinct designation of Canary Wharf major town centre, through the promotion of a vibrant mix of uses that are economically competitive.
- 8.5. The Council's Managing Development Document policy DM1 states that "*within the Tower Hamlets Activity Areas (THAA), a mix of uses will be supported*" and that "*development proposals should be mixed use schemes with active uses at ground floor level with residential or office space on upper floors*". Policy DM3 states that "*development should maximise the delivery of affordable housing on-site*" and that "*development should provide a balance of housing types, including family homes, in accordance with the breakdown of unit types set out within the most up-to-date housing needs assessment*".
- 8.6. Finally Site Allocation 17 (Millennium Quarter) which this site forms a part of seeks to deliver "*a comprehensive mixed-use development opportunity required to provide a strategic housing development and a district heating facility (where possible). The development will also include commercial floorspace, open space and other compatible uses*".

Loss of Existing Office Floor Space

- 8.7. The existing site currently features 3,548sqm of B1(a) (office) floor space which employs circa 120 employees, and it should be noted that these figures do not include either Davenport House or 21 Pepper Street as they sit outside of the red line boundary. The proposed development does not seek to provide any B1(a) (office) floor space.
- 8.8. Whilst part 1 of Policy DM15 states that "*development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition*", paragraph 15.4 of the policy supporting text states that part 1 of Policy DM15 does not apply to site allocations, and as such the loss of the existing office floor space can only be assessed against part 2 of this policy which outlines that suitable accommodation within the borough or elsewhere must be found for any businesses displaced as part of a development proposal unless it can be shown that the needs of the business are better met elsewhere.
- 8.9. The applicant has submitted details regarding the existing commercial operators on the site as well as a proposed relocation strategy for those businesses being displaced by this development. At present circa 80% of the existing B1(a) (office) floor space on the application site is vacant which the applicant argues is due in part to the fact that existing buildings are not constructed to modern day standards and are inefficient. The remaining floor space is currently being occupied by 4 tenants all of whom are on flexible short term leases with a maximum notice period of '6 weeks' in the knowledge of the future redevelopment proposals for the site, and as such the longer term needs of these businesses are currently unable to be satisfied on this site. Notwithstanding the limited number of existing businesses on this site and the fact that all of the remaining occupiers are subject to flexible arrangements with short notice periods the applicant has also outlined that they would be willing to reasonably assist with the relocation of the existing businesses by offering agency advice and supporting them in finding suitable alternative accommodation.

- 8.10. Given the lack of businesses on site which are on long terms leases (meaning it is unlikely that any businesses would remain in this location in the medium to long term) and the applicant's offer to assist with the relocation of existing businesses on site, the proposed development would not unreasonably adversely impact on existing businesses. As such the loss of the existing office B1(a) (office) floor space can be considered in this instance to be acceptable in order to allow the redevelopment of this site and the delivery of a strategic residential-led development, as per the site's allocation.

Principle of Residential Uses

- 8.11. The proposed development, which is located within a ward (Canary Wharf) where new housing is to be focused (as set out in policy SP02 of the Tower Hamlets Core Strategy 2010), would result in the creation of 319 residential units and would contribute towards the borough's target of delivering 3,931 new homes per year (as set out in policy 3.3 of the London Plan 2016). Furthermore the site is also located within Site Allocation 17 (Millennium Quarter) which seeks to deliver a strategic housing development.
- 8.12. Given the above the principle of a residential-led development on this site is considered acceptable as it would assist the Council in meeting both its housing targets and its aspirations for this part of the borough, namely the Canary Wharf ward and Site Allocation 17 (Millennium Quarter).

Principle of Commercial Uses

- 8.13. The application site sits within the Isle of Dogs Activity Area (a form of town centre) where a mix of uses will be supported in order to provide a transition between Canary Wharf major centre and their surrounding places which can be achieved through introducing active uses at ground floor level. Furthermore, Site Allocation 17 states that development should also include commercial floor space, and other compatible uses.
- 8.14. The existing buildings on site which are to be demolished currently provide 536sqm of A1 (retail) floor space and no other A class floor space. The proposed development seeks to provide a total of 1,150sqm of A class floor space in the form of 572sqm of A1 (retail) floor space across 4 units, equating to an uplift of 36sqm of A1 (retail) floor space on the site, 375sqm of A3 (restaurant and cafe) floor space across 2 units and 203sqm of A4 (drinking establishment) floor space within 1 unit. The proposed A4 (drinking establishment) unit also features a covered colonnade to its north and east elevations which would accommodate additional external seating.
- 8.15. Given the site's location within a town centre location, its current allocation and that the proposed commercial units are of an appropriate scale to serve the local community, the proposed scale and quantum of commercial uses proposed as part of this development can be considered to be acceptable.

Principle of Education and Social/Community Uses

- 8.16. The proposed development seeks to provide a nursery (D1) measuring 558sqm within Building B at ground and mezzanine levels. The nursery would provide spaces for up to 50 children (in 2 classes of 25) and would accommodate spaces for teaching, learning resources, staff, storage, dining and social activities, WC's, circulation, indoor and outdoor hard and soft play, and outdoor habitat space.

- 8.17. Whilst this site has not been formally identified as a location for a nursery the applicant has submitted evidence to demonstrate a need for this use in this location. This evidence outlines that significant population growth in this part of the borough, including notable growth in the age of 0-4 year olds, and recent Government changes to the levels of free child care available to working families mean that there is likely to be significant demand for further nursery places in this location. Further to this the applicant has also outlined that the design of the proposed nursery meets Ofsted requirements, accords with Building Bulletin 99, and has been designed with input from a potential future education provider. It should also be noted that the site sits within an accessible location for people travelling to the site by either public transport or walking/cycling.
- 8.18. Given that the applicant has demonstrated a need for the nursery (D1) facility in this location, has designed the nursery to take into account relevant guidance, and the location of the nursery is in a highly accessible location, officers are content to support the proposed nursery (D1) facility within this development as it is considered that the requirements of policy DM18 of the Council's Managing Development Document 2013 have been met.
- 8.19. Within the north east corner of Building A, a police welfare facility (sui generis) measuring 10sqm has been proposed at the request of the Metropolitan Police. For the purposes of policy DM8 of the Council's Managing Development Document 2013 policing facilities such as that being proposed are considered to be a form of social/community facility. As the site sits within a designated town centre boundary, the proposed use is local in nature and scale, and a local need has been demonstrated (by way of the Metropolitan Police's request for this facility in this location), officers are content to support the proposed police welfare facility (sui generis) within this development as it is considered that the requirements of policy DM8 of the Council's Managing Development Document 2013 have been met.

Conclusion

- 8.20. The loss of the existing employment floorspace to facilitate the redevelopment of a site allocation, along with the introduction of a residential-led mixed use development with supporting commercial and education/social/community uses in a town centre location such as this, accords with both the area's designations (in regional and local spatial planning documents) and relevant planning policy and is thus considered acceptable.

Density

Policy Context

- 8.21. Policy 2.13 of the London Plan (2016) states that "*development proposals within opportunity areas and intensification areas should seek to optimise the residential and non-residential output and densities*". Policy 3.4 seeks to ensure that new housing developments optimise the use of land by relating the density levels of housing to public transport accessibility levels. The London Plan Housing SPG (2016) states that the density matrix contained within the London Plan (2016) should be applied flexibly rather than mechanistically.
- 8.22. The Council's Core Strategy Policy SP02 also relates density levels of housing to public transport accessibility levels and additionally relates density levels of housing to the hierarchy and proximity of nearby town centres, so that higher

densities are promoted in and around town centres that are higher up in the hierarchy.

Assessment

- 8.23. The application site is a 757m walk (via Millharbour, Marsh Wall, Admirals Way and the existing bridge at South Quay) from Canary Wharf major town centre and as such can be classified to fall within a 'central' setting. The site also benefits from having a PTAL rating of 4 indicating a 'good' accessibility level to public transport infrastructure.
- 8.24. Given the above the London Plan recommends that a suitable sustainable density range for such a site is 650-1100 habitable rooms per hectare (hr/ha).

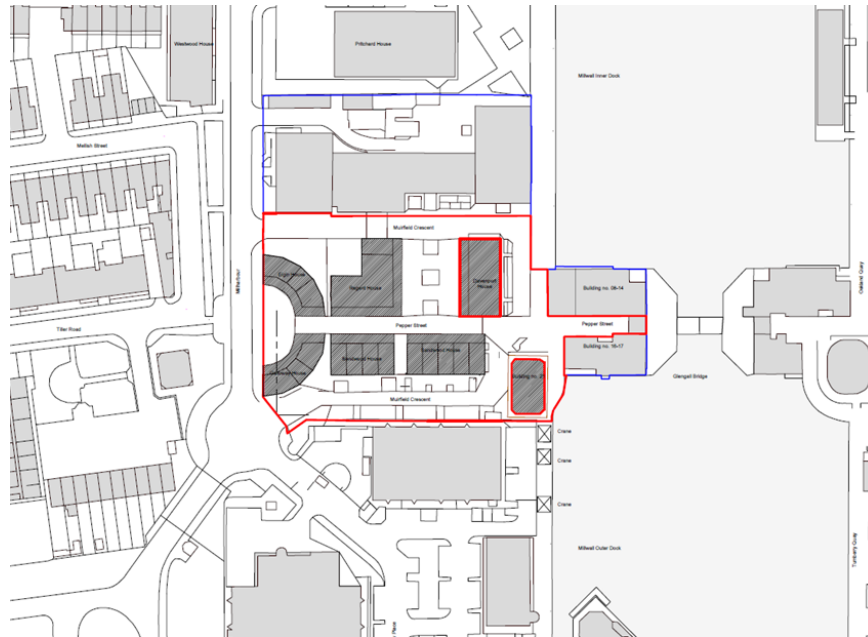


Fig.8 – Application Site

- 8.25. The application site (see Fig.7) has a site area of 0.65ha (excluding Davenport House and 21 Pepper Street) and seeks to provide 920 habitable rooms. In line with the Housing SPG methodology the resulting density is thus calculated as follows:

Total GIA – 32,269sqm
Of which is residential – 30,561sqm (95%)
No. of habitable rooms (920) / 95% of site area (0.62ha)

= Residential density (1,484hr/ha)

- 8.26. Whilst the residential density of this development exceeds the London Plan density guidelines, it should be noted that it is not appropriate to apply the density guidelines mechanistically, and that development should also generally maximise housing output so far as it does not demonstrate adverse symptoms of overdevelopment.
- 8.27. Such adverse symptoms of overdevelopment can include: poor response to local context and character; poor residential and environmental quality; an inappropriate residential mix; inadequate communal amenity or child play space provision; and

inadequate waste/recycling and car parking facilities. In this instance, officers are content that the proposed development does not demonstrate such symptoms, as it is considered to be of a high quality design which does not adversely affect the local context or character (discussed further within the design section of this report), and will also provide future occupiers an acceptable level of amenity (discussed further within the housing and amenity sections of this report).

- 8.28. Furthermore it should be noted that this site sits within an 'Opportunity Area' and town centre, where it is recognised that there is scope for higher density developments, sits within a site allocation which promotes the delivery of a 'strategic housing development', and also benefits from a highly accessible location where the wider transport infrastructure is to be improved by the arrival of the Elizabeth Line (Crossrail). As such officers are content that the proposed density of this development is appropriate, given the scheme's design and location.

Housing

Policy Context

- 8.29. Paragraph 50 of the NPPF states that local authorities should seek *"to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities"*.
- 8.30. Policy 3.5 of the London Plan (2016) states that *"the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children and older people"*. Policy 3.6 states that *"development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs"*. Policy 3.8 states that new developments should *"offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these"*. Policy 3.12 states that *"the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes"*.
- 8.31. The Council's Core Strategy Policy SP02 seeks to *"ensure new housing assists in the creation of sustainable places"*, requires *"35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability)"*, *"a mix of housing sizes on all sites providing new housing"*, and seeks to ensure that *"all housing is appropriate, high-quality, well-designed and sustainable"*.
- 8.32. The Council's Managing Development Document Policy DM3 seeks *"to maximise affordable housing in accordance with the Council's tenure split (70% Social/Affordable Rent and 30% Intermediate)"* and ensure that development provides *"a balance of housing types, including family homes, in accordance with the breakdown of unit types set out within the most up-to-date housing needs assessment"*. Policy DM4 states that *"all housing developments should have adequate provision of internal space in order to provide an appropriate living environment"* and provide amenity space and child play space in accordance with Council standards.

Affordable Housing

- 8.33. The proposal seeks to provide 35% affordable housing by habitable rooms, providing 58 social/affordable rent units (228 habitable rooms) and 37 intermediate units (95 habitable rooms). This represents a 70.5%/29.5% split in favour of social/affordable rented accommodation which meets the Council's preferred 70%/30% split in favour of social/affordable rented accommodation.

Tenure	Units	As a %	Habitable Rooms	As a %
Market Sector	224	70%	597	65%
Intermediate	37	12%	95	10%
Social/Affordable Rented	58	18%	228	25%

Fig.9 – Number and Percentage of Units and Habitable Rooms by Tenure

- 8.34. The affordable housing offer put forward by the applicant is despite the viability report claiming that this offer is substantially over and above the maximum reasonable amount that can viably be supported by the development. As the applicant is however minded to potentially bring this scheme forward as a Private Rented Sector (PRS) scheme, which would mean that the applicant would effectively retain ownership of the units in perpetuity, the applicant is content to accept this position on the basis that their investment is a long term one which over the lifetime of the development would make commercial sense.
- 8.35. As part of the applicant's viability exercise and in line with the Mayor's Affordable Housing and Viability SPG, the applicant has also tested the possibility of the inclusion of grant funding for the affordable units in order to increase the overall affordable housing offer from 35% to 40%. This testing however concluded that even with the inclusion of grant funding, a 40% affordable housing scheme would result in a greater deficit than the currently proposed 35% affordable housing scheme and would thus not be viable for the applicant to pursue.
- 8.36. The applicant's viability report has been reviewed by an independent viability consultant instructed by the Council, who whilst queried some of the figures contained within the report, notably the construction costs of the development and the professional fee allowance, ultimately concluded that despite these differences the scheme would achieve a sizable deficit meaning that the offer put forward by the applicant could be considered to be substantially over and above the maximum reasonable amount that could viably be supported by the development.
- 8.37. The original affordable housing offer put forward by the applicant in December 2016 (when the application was submitted) included the provision of social/affordable rented products at LBTH Framework Rents (the Council's preferred rent levels at the time). Officers have negotiated with the applicant to achieve an amended affordable housing offer which includes these new rent levels (meaning that the applicant has further increased their loss and deficit on the scheme), and the split of social/affordable rented accommodation is outlined in the table below:

Product	Units	As a %	Habitable Rooms	As a %
London Affordable Rent	20	34%	100	44%
Tower Hamlets Living Rent	38	66%	128	56%

Fig. 10 – Breakdown of Social/Affordable Rented Products

- 8.38. Whilst the proposed split between the London Affordable Rent and Tower Hamlets Living Rent products departs slightly from the Council's preferred split of 50%/50%, a greater proportion of larger family sized (3-bed+) units are to be provided at the lower London Affordable Rent levels meaning that when the split is assessed in terms of habitable rooms it falls closer to a 50%/50% split between the two products within the development. When looking at the whole viability position in the round and also taking into account the shifting policy position during the course of the application, officers are content that the offer put forward by the applicant is reasonable and thus can be considered to be acceptable.
- 8.39. With respect to the intermediate provision within the development, the applicant is proposing to provide 16 x 1 bed units and 21 x 2 bed units, all of which will be in the form of shared ownership products. All of these units have been tested against the affordability criteria set out in the Mayor's Affordable Housing and Viability SPG and would be affordable to those with a household income of less than £90,000 (i.e. not exceeding 40% of net income). Whilst the open market value of some of the units would exceed the £600,000 threshold, this is due to the high values associated with this location, and given that the other affordability criteria are met officers are content with the affordability of the proposed intermediate provision within this scheme.
- 8.40. Given that the applicant's affordable housing offer meets the requirements as set out within the Mayor's Affordable Housing and Viability SPG, this scheme has been deemed appropriate by both the Council and the GLA for the 'Fast Track Route'. This process would only require an early viability review in the event that the completion of demolition works to grade level, all ground preparatory works and the commencement of basement excavation works, along with a contract for the formation of the basement structure and above ground superstructure being in place is not achieved within 2 years of the date of consent. Such a requirement would be inserted as a clause within the S.106 agreement in the event that planning permission was to be granted.

Housing Mix

- 8.41. The following table outlines both the proposed unit mix, by size and tenure, as well as the Council's current preferred unit mix, which seeks to secure a mixture of small and large housing, and is set out within Policy DM3(7) of the Managing Development Document:

		Affordable Housing						Market Housing		
		Social/Affordable Rented			Intermediate					
Unit Size	Total Units	Units	As a %	Policy Target %	Units	As a %	Policy Target %	Units	As a %	Policy Target %
1 Bed	119	14	24%	30%	16	43%	25%	89	40%	50%
2 Bed	156	14	24%	25%	21	57%	50%	121	54%	30%
3 Bed	36	22	38%	30%	0	0%	25%	14	6%	20%
4 Bed	8	8	14%	15%	0	0%	0%	0	0%	
Total	319	58	100%	100%	37	100%	100%	224	100%	100%

Fig. 11 – Proposed Mix of Units by Size and Tenure

- 8.42. Within the market sector the mix of units proposed is skewed more towards 2 bed units, with the proportion of both 1 bed and family sized (3-bed+) units being below the targets set out in the Council's preferred unit mix. Given the high values of this location however officers are content to accept a lower number of market family sized (3-bed+) units within this development. With respect to the mix of 1 bed and 2 bed units, officers are content that whilst the proportion of these units differs slightly from the Council's preferred unit mix, the proposed development still offers a good mix of 1 and 2 bed market units.
- 8.43. Within the intermediate sector the mix of units differs from the Council's preferred unit mix, in that a higher proportion of 1 bed units are proposed and no family sized (3-bed+) units are proposed. Given the high values of this location and the difficulties that presents in terms of the affordability of some intermediate products, such as shared ownership units, officers are thus content with the proposed mix of intermediate units within this scheme.
- 8.44. With respect to the social/affordable sector the mix of units is broadly in line with the Council's preferred unit mix. Whilst the proposed mix does feature slightly fewer 1 bed units than the Council's preferred unit mix and a higher proportion of 3 bed units, given the demand for family sized (3-bed+) units within this sector officers welcome such a mix and are thus content that the proposed mix of social/affordable units can be considered to be acceptable.
- 8.45. In the context of the Council's relevant policies, officers are content that the proposed dwelling mix of this proposal can broadly be considered to be policy compliant and is thus considered acceptable.

Housing Quality

- 8.46. Within both Building A and Building B individual cores do not serve more than 8 units per floor, with both buildings being served by 3 lifts, in accordance with the standards set out in the Mayor's Housing SPG.
- 8.47. Throughout the development the vast majority of units are dual aspect, with some being triple aspect, and there are no single aspect north-facing units within the development, which is welcomed. Minimum floor to ceiling heights of 2.5m

throughout the development are also proposed which conforms with the standards set out in the Mayor's Housing SPG. All family sized units (3 bed+) proposed within the social/affordable rented tenure feature separate kitchens (to the main living space) which is also welcomed.

- 8.48. With respect to both the internal floor area and private amenity area of the proposed units, all 319 proposed units either meet or exceed the standards set out both with the London Plan (2016) and the Tower Hamlets Managing Development Document (2013).
- 8.49. Given the above officers consider the residential quality of the scheme to be high and thus acceptable.

Daylight and Sunlight Levels for the Development

- 8.50. Guidance on the assessment of daylight and sunlight levels for new developments is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. When calculating the levels of daylight afforded to new developments, the BRE have adopted and recommend the use of British Standard 8206 as the primary form of assessment which recommends minimum Average Daylight Factor (ADF) values for new residential dwellings, which are as follows:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 8.51. The BRE guidelines state that the layout of proposed developments should maximise the number of south facing main living rooms, and that where windows within such rooms face within 90 degrees of south they should be assessed using the Annual Probable Sunlight Hours (APSH) method. The APSH calculation considers the amount of sun available in both the summer and winter for each such window, and if the window can receive at least 25% total APSH with 5% during the winter months (between 21st September and 21st March), then the affected room can be considered to receive sufficient levels of sunlight. Finally in order for any proposed external amenity space to be considered as receiving sufficient levels of sunlight, at least half (50%) of such space should receive direct sunlight for at least two hours on the 21st March.
- 8.52. The applicant has submitted an internal daylight and sunlight assessment which assesses the levels of daylight and sunlight that will be afforded to the development. This report has also been reviewed by an independent daylight and sunlight specialist instructed by the Council.
- 8.53. The applicant's report advises that within the proposed development, 99% of the habitable rooms will meet the BRE criteria for ADF, which equates to 912 out of the 920 proposed habitable rooms. For the 8 rooms which do not meet the ADF criteria it should be noted that 7 of these rooms, which are large living/kitchen/dining rooms, still meet the levels suggested for a living room (1.5%) but not that for a kitchen (2%), and that 5 of said rooms still achieve ADF values of 1.9% which is only marginally below the 2% target. The remaining room is a living room which achieves an ADF value of 1.2%, however given that this room is directly linked to a kitchen/dining room which far exceeds the ADF targets (having an ADF value of 4.7%) officers are content that this minor non-compliance can be considered to be

acceptable. Based on the above, available daylight within the proposed development can be considered to be very good and broadly compliant with relevant policy.

- 8.54. With respect to sunlight levels within the proposed development, 72% of the main living rooms which face south will meet the BRE criteria for APSH, which equates to 153 out of the 212 proposed south facing main living rooms. In the instances where rooms do not meet this criteria it should be noted that the majority of the affected rooms feature balconies above the windows which serve them which in a dense urban environment such as this has a significant impact upon the APSH values. Given the dense urban setting of this site and the fact that the majority of rooms still meet or exceed the recommended sunlight levels as set out within the BRE guidance, officers are content that the proposed development will afford future occupants acceptable levels of sunlight and can on balance be considered to be broadly compliant with relevant policy.
- 8.55. The proposed development includes 5 external amenity spaces, of which 1 space (A) sits atop the podium within Building A, 3 spaces (B, C and D) sit atop the podium within Building B, and 1 space (E) sits to the west of Building B at ground floor. 3 out of the 5 proposed amenity areas (A, D and E) will experience 2 hours or more of direct sunlight across more than 50% of their area on the 21st March thus meeting the BRE guidelines. The remaining 2 amenity areas (B and C) will experience 2 hours or more of direct sunlight across 46.6% and 30.2% of their areas on the 21st March respectively. It should be noted however that both of these spaces are partially enclosed and as such would have a low expectation for direct sunlight. Furthermore residents of Building B would also have access to amenity space areas D and E which are afforded good levels of sunlight. The cumulative results also assessed by the applicant with respect to the overshadowing of external amenity spaces show no changes from the aforementioned results. Given the above officers are content the proposed external amenity spaces can be considered to benefit from acceptable levels of direct sunlight.

Accessible Housing

- 8.56. The proposed development seeks to provide a total of 32 wheelchair accessible units (designed in accordance with Part M4(3) of the Building Regulations 2015), which equates to 10% of the total number of residential units being proposed (319). The remaining 287 units will be designed to be accessible and adaptable (in accordance with Part M4(2) of the Building Regulations 2015).
- 8.57. The following table outlines the mix of wheelchair units proposed. 20 of the wheelchair accessible units are to be in the form of market units (10 x 1 bed and 10 x 2 bed), 4 are to be in the form of intermediate units (4 x 2 bed), and 8 are to be in the form of social/affordable rented units (3 x 1 bed, 1 x 2 bed and 4 x 3 bed). Given that the split is evenly provided across all tenures (with a slight favour towards social/affordable rented units) and features a range of unit types officers are content that this provision can be considered acceptable.

Tenure	1-bed	2-bed	3-bed	4-bed	Total	As a % of Tenure
Market Sector	10	10	0	0	20	9%

Intermediate	0	4	0	0	4	11%
Social/Affordable Rented	3	1	4	0	8	14%

Fig.12 – Wheelchair Accessible Units by Tenure and Unit Type

- 8.58. In order to ensure that the proposed wheelchair accessible units have been designed in accordance with Part M4(3) of the Building Regulations 2015 a condition requiring detailed layouts of the units at a scale of 1:50 will be imposed. The condition will also stipulate that the remaining 287 units within the development must be designed in accordance with Part M4(2) of the Building Regulations 2015. Subject to this condition officers are therefore content that the proposed residential accommodation is acceptable in accessibility terms.

Communal Amenity Space

- 8.59. Policy DM4(2) of the Council's Managing Development Document states that for all developments proposing 10 or more new residential dwellings, a minimum of 50sqm for the first 10 units and 1sqm for every unit thereafter should be provided. As this development proposes 319 residential units, a minimum of 359sqm of communal space is thus required.
- 8.60. Within Building A 226sqm of internal communal amenity space is proposed at 1st floor level serving the 206 units within this building, whilst within Building B 171sqm of external community amenity space is proposed at roof level serving 113 units.
- 8.61. Officers are content that the location, scale and layout of the proposed communal amenity spaces are acceptable, and further details of these spaces, including the landscaping to the rooftop communal amenity space within Building B, will be requested and secured by condition.

Child Play Space

- 8.62. In order to calculate the expected child yield for this development officers have used the Mayor of London's child yield calculator which is informed by the '*Shaping Neighbourhoods: Play and Informal Recreation SPG (September 2012)*' which requires a minimum of 10sqm of child play space per child. The table below outlines both the expected child yield for the development as well as the proposed quantum of child play space which is to be provided as part of this development.

Age Group	Child Yield	Minimum Requirement (sqm)	Proposed Play Space (sqm)
Under 5 Years	41	410	489
5-11 Years	38	380	488
Over 12 Years	28	280	373
Total	107	1,070	1,350

Fig.13 – Child Play Space Requirements and Proposed Provision

- 8.63. The proposed development seeks to provide a total of 489sqm of child play space for under 5 years, 488sqm for 5-11 years, and 373sqm for over 12 years, totalling 1,350sqm. For both all age groups and overall the proposed quantum of child play space exceeds the minimum requirements set by the *'Shaping Neighbourhoods: Play and Informal Recreation SPG (September 2012)'* which is welcomed by officers.
- 8.64. The majority of the proposed play space (circa 75%) is to be provided on top of the podium structure at 1st floor level, with 400sqm being provided on the podium of Building A and 612sqm being provided on the podium of Building B. Fig.14 below outlines the location and age group of the play spaces to be provided at 1st floor level, with green spaces indicating play space for under 5 years, orange spaces indicating play space for 5-11 years, and red spaces indicating play space for over 12 years. All of the play space at 1st floor level for Building A is provided externally, whilst Building B features a mixture of external, covered and internal spaces.



Fig.14 – Play Space at 1st Floor Level

- 8.65. The remaining proposed play space (circa 25%) is to be provided at ground floor level to the front of Building B and totals 338sqm. Fig.15 below outlines the location and age group of the play spaces to be provided at ground floor level, and once again the green spaces indicate play space for under 5 years, the orange spaces indicate play space for 5-11 years, and the red spaces indicate play space for over 12 years. All of this play space is to be provided externally and will be embedded into the landscaping of this part of the site.



Fig.15 – Play Space at Ground Floor Level

- 8.66. Officers are generally content with the quantum and location of the proposed play spaces, including the split between different age groups, which are all located at either ground or 1st floor level. Indicative designs for the proposed play spaces have been included on the submitted plans which indicate a wide range of play equipment and surfaces, however a condition requiring full details of the proposed child play spaces will be imposed to ensure that these spaces are of a high standard.

Conclusion

- 8.67. Officers consider that as the proposal provides an acceptable level of affordable housing (beyond that which can be considered to be the maximum viable level), and a suitable mix of housing (including accessible housing), which is of a high residential standard, the application can be considered acceptable in housing terms.

Design

Policy Context

- 8.68. Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. Paragraph 63 states that *“in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area”*.
- 8.69. Policy 7.1 of the London Plan (2016) seeks to ensure that *“the design of new buildings and spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood”*. Other policies relevant to this proposal with respect to design are policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.10, 7.11 and 7.12 of the London Plan (2016).

- 8.70. The Council's Core Strategy policy SP09 seeks to *"create a high-quality public realm network which, provides a range of sizes of public space that can function as places for social gathering"*. Policy SP10 seeks to *"ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds"*. Policy SP12 seeks to enhance placemaking through *"ensuring development proposals recognise their role and function in helping to deliver the vision, priorities and principles for each place"*.
- 8.71. The Council's Managing Development Document policy DM24 states that *"development will be required to be designed to the highest quality standards, incorporating principles of good design, including: ensuring design is sensitive to and enhances the local character and setting of the development"*. Other policies relevant to this proposal with respect to design are policies DM23, DM26, DM27 and DM28 of the Managing Development Document (2013).

Layout

- 8.72. The application site lies at a key junction on the Isle of Dogs where one of the few east-west routes (Pepper Street) meets a key north-south route (Millharbour). The application site also lies directly to the north-east of the proposed Westferry Printworks development which proposes a new linear park extending to the southern end of Millharbour, opening up the opportunity for this site to link into this.
- 8.73. Given the above the proposed site layout has thus primarily been driven by the aspiration to enhance Pepper Street and also create a new high quality area of public realm in the south-west corner of the site in order to link into the proposed linear park on the adjacent Westferry Printworks site. Another key driving factor for the site's layout is to ensure that future residents are afforded good levels of amenity, including good access to daylight and sunlight and avoiding instances of overlooking between the two blocks, which has resulted in them being staggered. Such design principles are illustrated below in Fig.16.

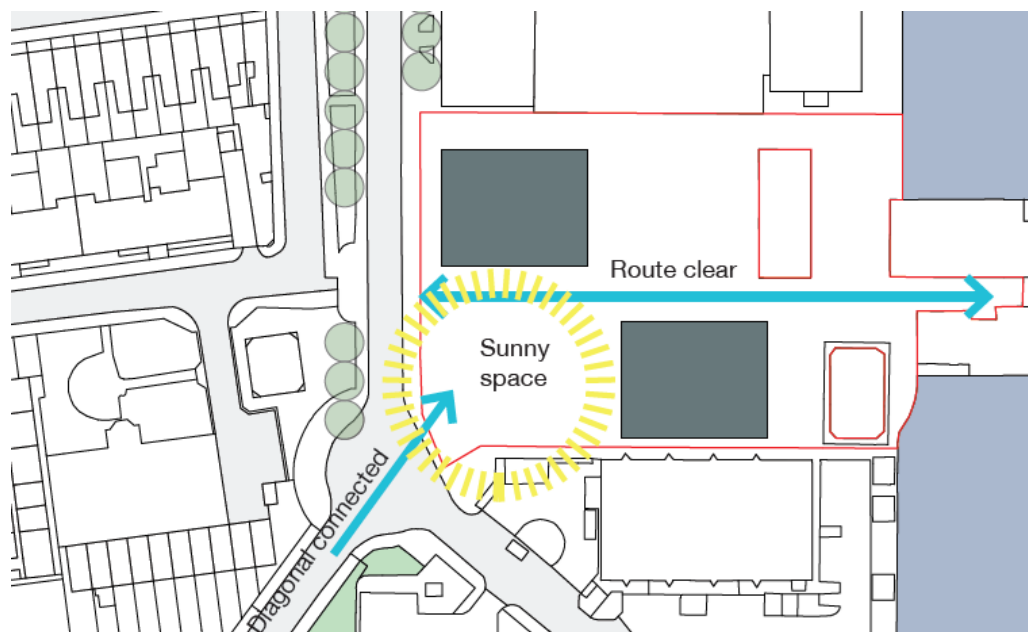


Fig.16 – Site Layout Principles

- 8.74. The redesigned and widened Pepper Street is now 11m wide (as opposed to 6m as it currently is) and comprises of a high quality shared surface environment lined with trees and seating. A new pocket park in the south-west corner of the site features two areas of soft landscaping (incorporating child play space) as well as a hard landscaped pedestrian route providing a direct link between Pepper Street and the proposed linear park within the adjacent Westferry Printworks site. New public spaces are also to be provided between Building B and 21 Pepper Street as well as between Davenport House and Millwall Dock. The proposed site layout is illustrated in Fig.17.



Fig.17 – Proposed Site Layout

- 8.75. Building A which sits to the north side of Pepper Street and 7.5 metres to the south of Archway House comprises of a 30 storey tower of square form with a setback at its midpoint along with a 3 storey podium structure, with the tower element sitting to the west of the site directly adjacent to Millharbour in line with other buildings along its eastern side. A triple height chamfered undercroft on the building's south-western corner assists in easing movement between Millharbour and Pepper Street and also creates a successful visual and physical termination to the linear park at its northern end. The main entrance to the building is located on the south-western corner and the internal layout of the building on the upper levels consists of a central core surrounded by residential units on the corners (enabling dual aspect units to be maximised) with commercial and communal facilities at ground, mezzanine and first floor levels.
- 8.76. Building B which sits to the south side of Pepper Street and 4 metres to the north of 1 Greenwich View Place comprises of a 26 storey tower of square form with a setback at its midpoint along with a 3 storey podium structure, rising to 5 storeys along its western edge, with the tower element sitting to the east of the site opposite from 21 Pepper Street. The western edge of the building is tapered which assists in easing movement between Pepper Street and the proposed linear park and also helps to visually connect the pocket park to the front of Building B with the adjacent Westferry Printworks site. The main entrance to the building is located on the northern side of the building (accessed from Pepper Street) and the internal layout of the building matches that of Building A with the exception of the addition

of 3 townhouses located at the western edge of the building which are accessed from the podium.

- 8.77. Officers consider that the proposed site layout as well as the layout of both Buildings A and B is successful in the way that it both responds to its existing and emerging context, enhancing movement through the site, and also provides a development which maximises residential quality for its future occupants.

Height, Scale and Massing

- 8.78. The proposed development includes the erection of two buildings of 30 storeys (Building A) and 26 storeys (Building B) respectively. Building A would stand at a height of 102.3m AOD and Building B would stand at a height of 90.05m AOD (a difference of 11.8m).
- 8.79. In terms of the appropriateness of the proposal's height and scale for this location, it should be noted that the site sits within the Isle of Dogs Activity Area boundary which according to Fig.18 below, taken from policy DM26, supports the second highest form of development in the borough and is the next most preferable location for tall buildings after the Aldgate and Canary Wharf POL's. As such the principle of a tall building in this location can be considered to be acceptable in line with relevant policy.

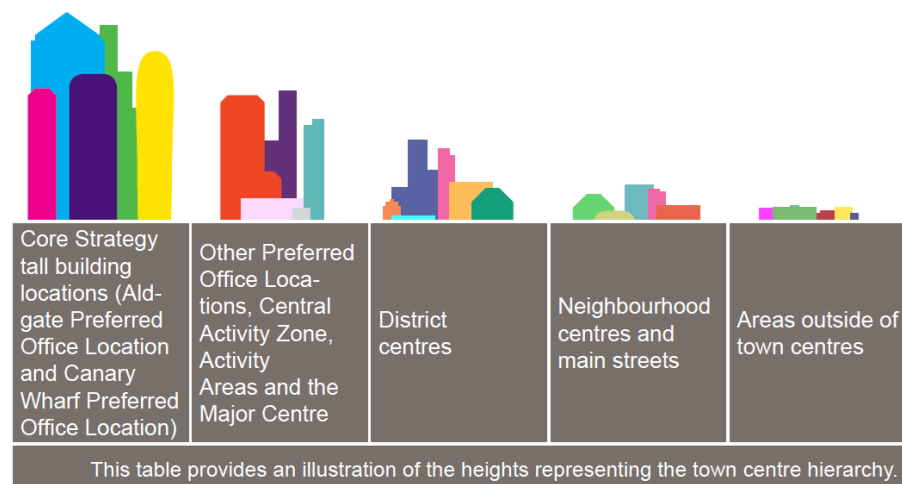


Fig.18 – Illustration Showing Building Heights for the Preferred Office Locations and the Town Centre Hierarchy

- 8.80. With respect to the proposal's sensitivity to the context of its surroundings in terms of its height, scale and massing it is noted that the surrounding area features building heights which vary significantly and include 2 storey terraced properties on Mellish Street, the Trinity Tower development ranging from 4 storeys to 18 storeys to the north west of the application site, 45 Millharbour which is a part 7, part 14 storey development, and the Baltimore Wharf development on the opposite side of Millwall Inner Dock which ranges from 7 to 43 storeys. Furthermore it should be noted that permission was granted last year (by the GLA) for a development at the former Westferry print works site to the south of the application site which includes a 30 storey building with a height of 110m AOD.
- 8.81. Given the wide variety of building heights within the surrounding area, the fact that the site marks the junction of two key routes on the Island (Millharbour and Pepper Street), and the site's close proximity to the dockside, where the majority of tall

buildings on the Island sit, officers are content that the proposed height, scale and massing of the proposed development is sensitive to the context of its surroundings and appropriate for this location. Furthermore the submitted TVIBHA illustrates a number of key views taken from points within the site's immediate surroundings and it is considered that these views demonstrate that the proposed development does not have an adverse impact on the character of the local area.

- 8.82. Part 2b of policy DM26 states that *“within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas”*. Furthermore ‘Principle 3’ of the vision for Millwall (as outlined in the Core Strategy (2010)) states that *“taller buildings in the north should step down to the south and west to create an area of transition from the higher-rise commercial area of Canary Wharf and the low-rise predominantly residential area in the south”*.
- 8.83. The Council has also recently commissioned a ‘Tall Building Study’ which forms part of the evidence base for the forthcoming new Local Plan which promotes a ‘Millwall Inner Dock Tall Building Cluster’ which this site would sit within. Within this cluster the document notes that no building should exceed 155m AOD and that building heights must step down as they step away from 1 Canada Square (see Fig.19). It should be noted however that this document can only be given very limited weight in the determination of this application due to its status as part of the evidence base for a planning policy document which is yet to be formally adopted.

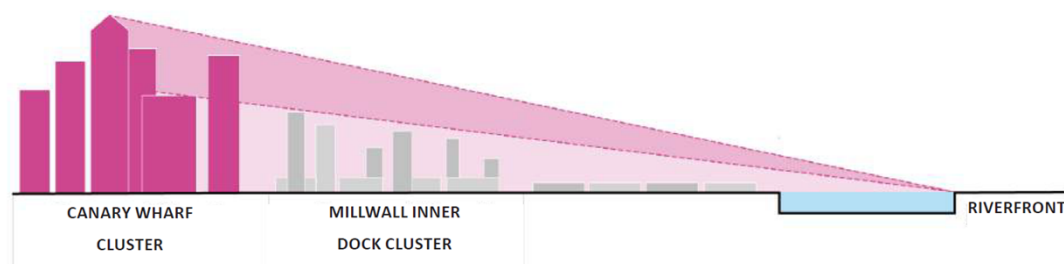


Fig.19 – Relationship Between Canary Wharf and Adjacent Clusters

- 8.84. Whilst officers appreciate that when viewed within the isolated context of the existing buildings along Millharbour (running from north to south) the proposed development does not systematically ‘step down’ and is instead taller than buildings directly to the north of it, it should be noted that the spirit of the relevant aforementioned policies is to achieve a more strategic ‘step down’ from Canary Wharf that can only be truly appreciated within views which take account of the wider context.

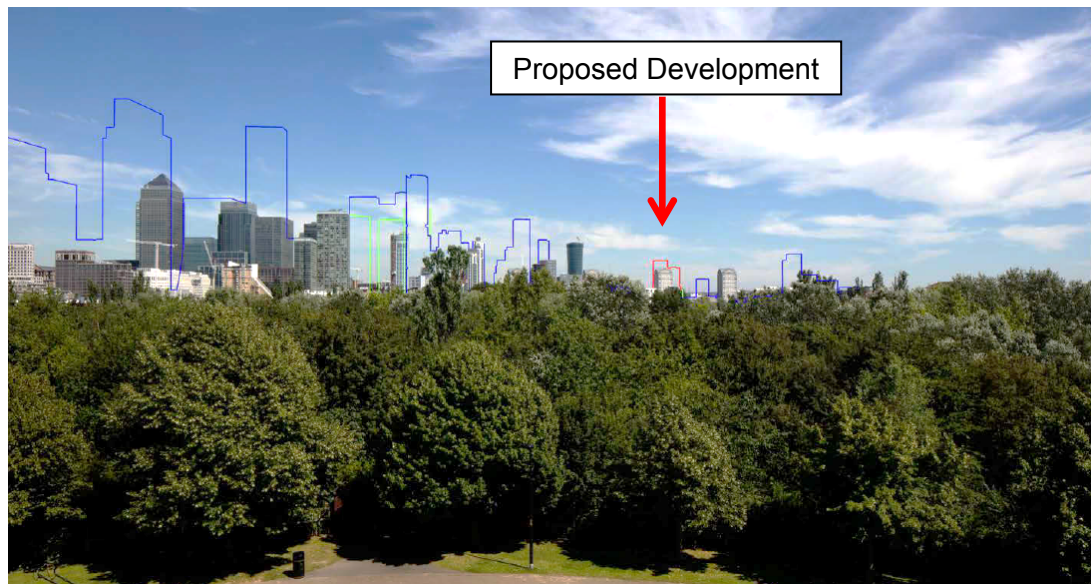


Fig.20 – View from Stave Hill (Rotherhithe)



Fig.21 – View from Greenland Dock (Rotherhithe)

- 8.85. When more contextual views illustrating the proposed development within its context (including cumulative development) are interrogated (see Figs.20 and 21) it can be concluded that the proposed development does respect the policy position of seeking to achieve a 'step down' from the Canary Wharf cluster.
- 8.86. With respect to the relationship between the two buildings themselves, officers consider that the 11.8m difference in height between the two buildings is sufficient enough to differentiate the two buildings from one another in terms of their height, scale and massing, and is a positive design feature of the scheme in townscape terms which assists in its contribution to the local skyline. The variation in heights between the two buildings is also considered to assist in breaking up the perceived mass of the buildings in views where the two towers coalesce (although other design measures such as a differing material palette between the two blocks also assist in this matter).
- 8.87. In order to ensure that the proposed development, by virtue of its height, does not have an adverse impact upon the operations of London City Airport nor Civil

Aviation requirements an 'Aviation Safeguarding Assessment' was submitted as part of the application. This document has been reviewed by both London City Airport and National Air Traffic Services who both raised no safeguarding objection to the proposal.

- 8.88. Given the above officers are content that the proposed development can be seen to be acceptable in terms of its height, scale and massing.

Appearance and Materials

- 8.89. The proposed façade design for both Buildings A and B seeks to express the structure as well as emphasise the vertical elements of the proposed buildings in order to create a pair of simple yet architecturally striking buildings. In order to give the façade a degree of three-dimensionality, the bays (featuring cladding panels and glazing) which sit between the frame have been substantially recessed from it by 250mm. Balconies which are partially inset and also partially protrude from the façade also play a key part in the appearance of the building helping to break up and introduce variety to the facades of both buildings.
- 8.90. The proposed material palette for the development features durable and high quality materials throughout, including brick, pre-cast panels in a Portland Stone finish, metal cladding panels, and glazing.



Fig.22 – View of Proposed Cladding Materials

- 8.91. Whilst both Buildings A and B have a similar material palette, in order to differentiate the buildings from each other in the local context, material colour variation is proposed between the buildings which is illustrated in Fig.22. Whilst Building A features a dark brown brick and pale grey pre-cast panel piers, Building B will feature a pale buff brick and white pre-cast panel piers. The colour of the metal cladding panels is proposed to be bronze across both Building A and B.
- 8.92. It is considered that given the employment of high quality and durable materials such as brick and pre-cast panels, along with well-considered design details, the proposed appearance of the scheme can be deemed to be acceptable. In order to ensure that the specific materials selected and detailed design employed at construction stage for this scheme achieve the high quality design presented at

application stage, a condition requiring the submission of material samples and detailed technical drawings of key junctions will be imposed.

Landscaping

- 8.93. The proposed development seeks to provide extensive areas of new landscaping and public realm, including a widened Pepper Street, a new pocket park on the south-western corner of the site, and two new public spaces between Davenport House and Millwall Dock, and between Building B and 21 Pepper Street.
- 8.94. Pepper Street is now proposed to be 11m in width (as opposed to 6m in width as it currently is) and will take the form of a 'shared surface street' featuring robust paving materials, trees, and seating. The portion of Pepper Street between Millharbour and the eastern edge of Building A will only be accessible to pedestrians and cyclists, whereas the portion of Pepper Street between the eastern edge of Building A and the Glengall Bridge will be accessible to pedestrians, cyclists and vehicles, although the latter will be limited to servicing movements and cars accessing the small residents car park located within 8-19 Pepper Street. In order to deal with the ground level differences between the Glengall Bridge and Millharbour a series of gently sloping ramps have been incorporated into Pepper Street to ensure that it is accessible to all.
- 8.95. The proposed pocket park on the south-western corner of the site includes a mixture of soft and hard landscaping, as well as seating and elements of child play space. This space will be circa 500sqm and will provide both a visual and a physical connection to the larger linear park that is proposed as part of the adjacent Westferry Printworks development. In order to deal with the ground level difference between Pepper Street and Millharbour a series of gently sloping ramps have been incorporated into the hard landscaping route which passes through the middle of this space to ensure that it is accessible to all.
- 8.96. Both of the new public spaces, which are to be provided between Davenport House and Millwall Dock, and between Building B and 21 Pepper Street feature robust paving materials, trees and seating. The former of these two spaces (between Davenport House and Millwall Dock) is also to feature sculptural installations which will allow for informal play opportunities. Both of these spaces will ensure that the proposed development integrates well with the adjacent Davenport House and 21 Pepper Street buildings which are to be retained.
- 8.97. The remainder of the application site (i.e. the servicing routes in between Building A and Davenport House, and to the north of Building A) will feature the same robust paving materials as elsewhere on the site in order to provide a simple yet comprehensive approach to landscaping which will ensure continuity across the site and is welcomed. As the application site is privately owned 24/7 uninhabited access for pedestrians and cyclists along Pepper Street and across the proposed pocket park and new public spaces will be secured via a S.106 legal agreement.
- 8.98. In light of the above and subject to the necessary conditions requiring further details of both the hard and soft landscaping materials, officers consider that the landscaping proposals are acceptable as they will significantly improve the pedestrian environment of the site, and result in a significant improvement to Pepper Street which is a key east-west route across the Isle of Dogs, and are thus in accordance with relevant policies.

Secure by Design

- 8.99. The applicant has engaged with the Metropolitan Police's Secure by Design team as part of the design process, and they have been consulted with as part of the planning application process. The Secure by Design officer raised no objection to the proposed design of the scheme and has requested that a condition be imposed (in the event that planning permission is granted) which requires the applicant to achieve Secure by Design accreditation prior to the commencement of the development.

Strategic Views

- 8.100. The development has the potential to affect a number of strategic views and river prospects, as identified in the Mayor's London View Management Framework (LVMF), including View 5A.1: Greenwich Park, View 6A.1: Blackheath, View 11B.1: London Bridge and View 11B.2: London Bridge. The site also falls within the wider setting of the Maritime Greenwich World Heritage Site.
- 8.101. The LVMF SPG (2012) describes the London Panorama from the General Wolfe Statue in Greenwich Park (Assessment Point 5A.1) as taking in the formal, axial arrangement between Greenwich Palace, and the Queens's House, whilst also including the tall buildings on the Isle of Dogs. It should be noted that there is not a protected vista from this assessment point. In recognising the fact that this panorama is located within the Maritime Greenwich World Heritage Site (MGWHS), paragraph 146 of the LVMF SPG (2012) states that:

"The composition of the view would benefit from further, incremental consolidation of the clusters of taller buildings on the Isle of Dogs and the City of London. However any consolidation of clustering of taller buildings on the Isle of Dogs needs to consider how the significance of the axis view from the Royal Observatory towards Queen Mary's House could be appreciated."

- 8.102. Assessment Point 6A.1, the London Panorama from the Point in Blackheath, is described as a level green space above a dramatic escarpment, partially enclosed by trees with an opening at its western end providing views towards central London. The tall building cluster on the Isle of Dogs is visible in the eastern most portion of the view from this location and does not sit within or close to the protected vista from this assessment point.
- 8.103. Finally Assessment Points 11B.1 and 11B.2, the River Prospects looking downstream from London Bridge, are described as views which take in the Tower of London World Heritage Site, Tower Bridge, and beyond, to the rising ground at Greenwich and the cluster of towers at Canary Wharf. In both of these views the tall building cluster on the Isle of Dogs sit in the backdrop and mark the path of the river as it continues further east. It should be noted that neither of these assessment points feature a protected vista.
- 8.104. The applicant's Townscape, Visual Impact, and Built Heritage Assessment (TVIBHA) assesses the impact of the proposal on the existing and proposed cumulative view from all of the above assessment points. Within Assessment Points 5A.1 and 6A.1 the TVIBHA illustrates how the proposal will become part of the developing cluster of consented and proposed buildings on the Isle of Dogs. In Assessment Point 11B.1 the TVIBHA illustrates that the proposal would be visible to the southern end of the Isle of Dogs tall building cluster, but also clearly illustrates that the proposal steps down from the taller buildings within the cluster which sit to the north of it. Finally in Assessment Point 11B.2 the TVIBHA illustrates

that the proposal will not be visible as it would be hidden behind the southern tower of Tower Bridge.

Existing View



LVMF 5A.1 Existing

Proposed View



LVMF 5A.1 Proposed



LVMF 6A.1 Existing



LVMF 6A.1 Proposed

Fig.23 – Existing and Proposed LVMF Views

- 8.105. After assessing the impact of the proposal on the LVMF views in which it sits within, officers have concluded that the proposal would not have a detrimental impact on any of the affected LVMF views, nor would it harm the setting of the MGWHS. Furthermore, no objections have been raised by either the GLA or Historic England and as such officers consider the application to be compliant with the relevant policies.

Heritage Considerations

- 8.106. When determining planning applications affecting the setting of listed buildings, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest. A similar duty is placed with respect to the appearance and character of Conservation Areas by Section 72 of the aforementioned Act.
- 8.107. There are no statutory listed buildings that sit within close proximity to the application site with the closest being the Grade II listed Carnegie Library on Strattondale Street (approximately 0.5km to the east of the application site). It is considered that given the existing urban backdrop to this heritage asset along with the cumulative effect of consented tall buildings in the Isle of Dogs Activity Area, the proposal would preserve the setting of this building. This position is backed up by View 20 (taken from the nearby corner of Glengall Grove/Strattondale Street) within the submitted TVIBHA.

- 8.108. The proposed development does not sit within or is in close proximity to any conservation areas, however the proposal would be visible from certain vantage points within the Chapel House, Island Gardens and Coldharbour conservation areas, all of which are on the Island. Views 8, 17, 18 and 31 within the TVIBHA are all taken either within these conservation areas or within close proximity to them and all confirm that when considered alongside the cumulative effect of consented tall buildings in the Isle of Dogs Activity Area, the proposal would preserve the character and appearance of the aforementioned conservation areas.
- 8.109. As noted within the previous section of the report it has been concluded by officers, the GLA and Historic England that the proposal would not have an adverse impact upon the setting of the MGWHS.

Conclusion

- 8.110. Officers consider that the proposed design of the scheme is acceptable in terms of its impact on strategic views and heritage assets, its layout, height, scale and massing, its appearance, landscaping and material palette, and has also been designed in accordance with Secure by Design principles. As such officers can conclude that the application is acceptable in design terms.

Amenity

Policy Context

- 8.111. Paragraph 17 of the NPPF states local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.112. Policy 7.6 of the London Plan (2016) seeks to ensure that development does *“not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate”*.
- 8.113. The Council’s Core Strategy policy SP10 (4) seeks to ensure that development *“protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight)”*.
- 8.114. The Council’s Managing Development Document policy DM25 states that *“development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm”*.

Overlooking, Outlook, Privacy and Enclosure Impacts for Neighbours

- 8.115. A number of the properties which immediately surround the application site are in use for non-residential uses, primarily as data centres or offices. The nearest residential properties to the application site are 8-19 Pepper Street (to the east), 159 and 161 Mellish Street (to the west), and 1-6 and 7 Omega Close (to the west).
- 8.116. With respect to 8-19 Pepper Street, neither Building A nor Building B sit closer than 33m to 8-19 Pepper Street, and both feature other non-residential buildings (albeit smaller) in between them and 8-19 Pepper Street. Given the distance between the proposed buildings and the fact that other non-residential buildings sit closer to 8-

19 Pepper Street, officers are content that the proposed development would not adversely impact upon overlooking, outlook, privacy nor enclosure for the residents of 8-19 Pepper Street.

- 8.117. With respect to 159 and 161 Mellish Street as well as 1-6 and 7 Omega Close, the closest gap between either Building A or Building B to any of these buildings is 32m. It should also be noted that Millharbour, a standard width road which is partially tree lined, sits in between the application site and these properties. Given the distance between the proposed buildings and the fact that Millharbour sits between them and the application site, officers are content that the proposed development would not adversely impact upon overlooking, outlook, privacy nor enclosure for the residents of 159 and 161 Mellish Street and 1-6 and 7 Omega Close.

Overlooking, Outlook, Privacy and Enclosure for the Development

- 8.118. Within the proposed development itself, it should be noted that the majority of units are dual aspect with no single aspect north facing units being proposed. Furthermore due to the staggered positioning of the two buildings, there is also no direct overlooking between Building A and Building B. Large distances (30m+) between the residential levels of the proposed buildings and the adjacent buildings to the east and west are also present throughout the development. Whilst smaller distances of 4m and 8m exist between the proposed buildings and 1 Greenwich View Place (3 storeys) to the south and Archway House (5/8 storeys) to the north, it should be noted that all of the residential units (on the lower levels of both buildings) which front either of these buildings are dual aspect, and the affected units within Building B (which front 1 Greenwich View Place) also feature directional windows (angled at 45 degrees to south). As such officers are content that the proposed development will afford future residents good levels of outlook and will not afford future residents unacceptable levels of enclosure.
- 8.119. The floor plans for both Building A and Building B have been carefully designed to ensure that there is no direct overlooking between neighbouring units in order that future residents are afforded good levels of privacy. Given the careful arrangements of the proposed floor plans which do not allow for any direct overlooking between units (with the exception of between external amenity spaces which is deemed acceptable), officers can thus be satisfied that the proposed development will afford future residents good levels of privacy and will not afford future residents unacceptable levels of overlooking.

Daylight and Sunlight Impacts for Neighbours

- 8.120. Guidance on the assessment of daylight and sunlight impacts is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. When calculating the impact a proposed development has on the daylight to neighbouring properties, the primary form of assessment is the Vertical Sky Component (VSC) method which measures the amount of skylight falling on a vertical wall or window, together with the No Sky Line Contour (NSC) method which is a measure of the distribution of daylight within a room. When combined these tests measure whether a building maintains most of the daylight it currently receives. When calculating the impact a proposed development has on the sunlight to neighbouring properties, the Annual Probable Sunlight Hours (APSH) method is used to calculate how much sunlight the window can receive. It should be noted that this calculation is only applicable to windows which face within 90 degrees of south as windows which face within 90 degrees of north would have

no expectation of sunlight. Finally when calculating the impact a proposed development has on the overshadowing of external amenity spaces, the Sunlight Amenity Assessment is used which calculates the proportion of an amenity area which receives at least two hours of direct sunlight on the 21st March.

- 8.121. In accordance with BRE guidelines in order for a proposal to be regarded as meeting the VSC criteria, upon completion of the development a window should either retain 27% VSC in absolute terms or retain at least 80% of its existing VSC value. In order for a proposal to be regarded as meeting the NSC criteria, upon completion of the development it should retain at least 80% of its existing NSC value. In order for a proposal to be regarded as meeting the APSH criteria, upon completion of the development a window should retain at least 25% total APSH with 5% in the winter months in absolute terms, retain at least 80% of its existing total and winter APSH values, or the loss of total absolute annual APSH should be less than 4% of the total former APSH value. Finally in order for a proposal to be regarded as not unacceptably overshadowing an existing external amenity space, at least half (50%) of any assessed external amenity space should see direct sunlight for at least two hours on the 21st March.
- 8.122. As part of the submitted Environmental Statement the applicant has undertaken a daylight and sunlight assessment which assesses the impact of the proposed development on a number of surrounding properties and external amenity spaces as listed below and located on Fig.23. This report has also been reviewed by an independent daylight and sunlight specialist instructed by the Council.

Surrounding Properties:

- 1-6 Omega Close
- 7-16 Omega Close
- 1-12 Winch House
- 2-15 Pepper Street
- 8-19 Pepper Street
- 120-126 Mellish Street
- 149-159 Mellish Street
- 161 Mellish Street
- Trinity Tower
- Westwood House
- Rodman House
- Cobalt Point
- 41 Millharbour
- 45 Millharbour
- Corvette Court
- Crossharbour
- Crossharbour Block 6
- Baltimore Tower
- Turnberry Quay

External Amenity Spaces:

- Rear gardens to 120-126 Mellish Street
- Rear gardens to 139-155 Mellish Street
- Play area and open space to east of Winch House

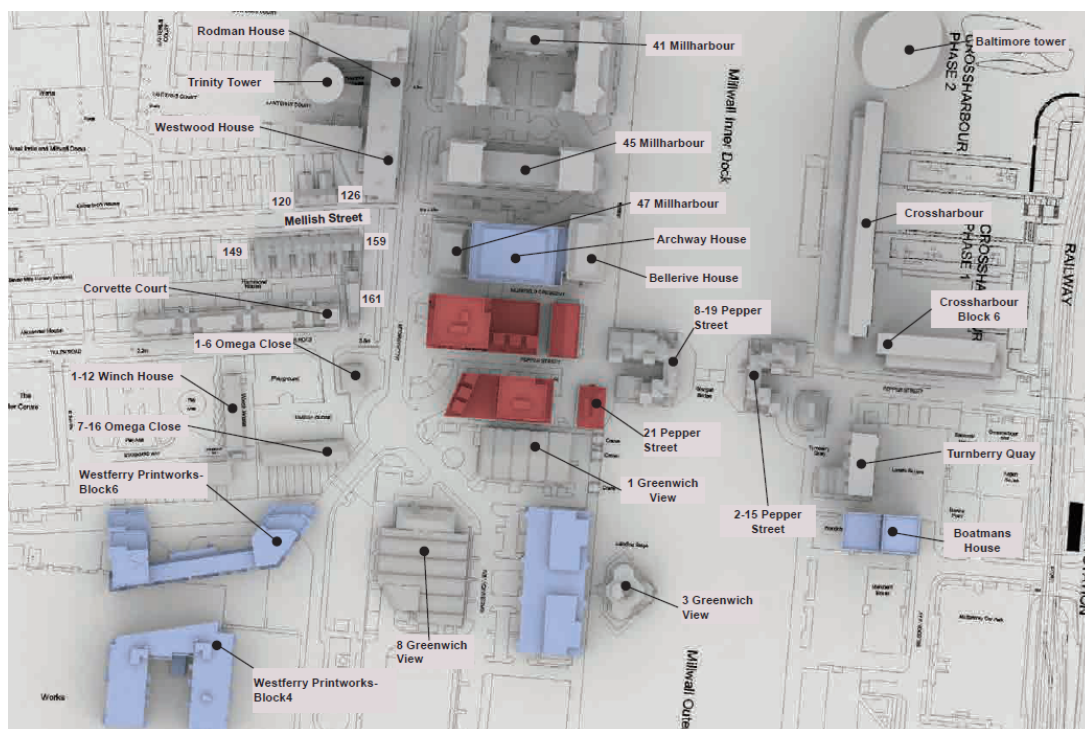


Fig.24 – Map Illustrating Surrounding Properties

8.123. In addition to testing the implications of the proposed development on the above surrounding properties, the applicant has also tested the cumulative scenario on the above properties which includes the proposed development along with other nearby consented developments, namely Westferry Printworks (PA/15/02216). It should be noted that there is no requirement for the applicant to test the daylight and sunlight impacts of the proposal on surrounding non-residential buildings (47 Millharbour, Archway House, Bellerive House, 21 Pepper Street, Davenport House, and 1, 3 and 8 Greenwich View Place), which in this location are largely in use as data centres or offices.

8.124. The following table shows the VSC results for surrounding properties with the completed development.

Address	Windows Tested	20-29.9% Reduction (Minor)	30-39.9% Reduction (Moderate)	>40% Reduction (Major)	Total Below BRE Guidelines	Impact
1-6 Omega Close	16	2	1	2	5	Minor
7-16 Omega Close	38	9	0	0	9	Minor
1-12 Winch House	24	5	6	1	12	Minor
2-15 Pepper Street	63	2	0	0	2	Minor
8-19 Pepper Street	97	0	7	6	13	Moderate
120-126 Mellish Street	21	3	0	0	3	Minor
149-159 Mellish	34	6	2	0	8	Minor

Street						
161 Mellish Street	39	3	20	9	32	Moderate
Trinity Tower	85	8	6	1	15	Minor
Westwood House	115	0	0	0	0	Negligible
Rodman House	4	0	1	0	1	Minor
Cobalt Point	149	1	0	0	1	Minor
41 Millharbour	607	13	2	0	15	Minor
45 Millharbour	319	23	34	21	78	Moderate
Corvette Court	40	0	2	0	2	Minor
Crossharbour	360	1	0	0	1	Minor
Crossharbour Block 6	14	0	0	0	0	Negligible
Baltimore Tower	396	1	0	0	0	Minor
Turnberry Quay	164	2	0	0	2	Minor

Fig.25 – VSC Results for Surrounding Properties

8.125. Overall the impact on the following properties is considered negligible or minor:

- 1-6 Omega Close
- 7-16 Omega Close
- 1-12 Winch House
- 2-15 Pepper Street
- 120-126 Mellish Street
- 149-159 Mellish Street
- Trinity Tower
- Westwood House
- Rodman House
- Cobalt Point
- 41 Millharbour
- Corvette Court
- Crossharbour
- Crossharbour Block 6
- Baltimore Tower
- Turnberry Quay

8.126. For the properties listed above the sunlight impacts of the proposed development upon them are also considered to be either negligible or minor.

8.127. The impact upon 8-19 Pepper Street, 161 Mellish Street and 45 Millharbour is considered to be moderate and these are discussed further below.

8-19 Pepper Street

8.128. In terms of daylight, of the 97 windows analysed, 84 would meet the BRE guidelines with respect to VSC, with 7 windows experiencing a 30%-39.9% reduction, and 6 windows experiencing a 40% or greater reduction. Of the 68

rooms analysed, 61 would meet the BRE guidelines with respect to NSC, with 4 rooms experiencing a 20%-29.9% reduction, and 3 rooms experiencing a 30%-39.9% reduction. In the cumulative scenario 83 windows would meet the BRE guidelines with respect to VSC, with 8 windows experiencing a 30%-39.9% reduction, and 6 windows experiencing a 40% or greater reduction. The NSC results remain unchanged in the cumulative scenario.

- 8.129. In terms of sunlight, of the 48 windows facing the site and within 90 degrees of south, all would receive sunlight provision above the BRE guidelines. The cumulative results for sunlight do not differ from those outlined above.
- 8.130. In instances where windows experience a VSC or NSC reduction greater than the BRE guidelines, it should be noted that the majority of the affected windows are either secondary windows serving rooms that are served by additional primary windows that exceed the BRE guidelines, or serve bedrooms which have the lowest requirement for daylight. Given the above results it has been concluded that the proposed development would have a moderate significant impact upon 8-19 Pepper Street, which given the urban context of this location can be considered acceptable.

161 Mellish Street

- 8.131. In terms of daylight, of the 39 windows analysed, 7 would meet the BRE guidelines with respect to VSC, with 3 windows experiencing a 20%-29.9% reduction, 20 windows experiencing a 30%-39.9% reduction, and 9 windows experiencing a 40% or greater reduction. Of the 26 rooms analysed, 17 would meet the BRE guidelines with respect to NSC, with 1 room experiencing a 20%-29.9% reduction, 1 room experiencing a 30%-39.9%, and 7 rooms experiencing a 40% or greater reduction. The cumulative results for daylight do not differ from those outlined above.
- 8.132. In terms of sunlight, of the 32 windows facing the site and within 90 degrees of south, 24 would receive sunlight provision above the BRE guidelines and 8 would receive sunlight provision below the BRE guidelines. The cumulative results for sunlight do not differ from those outlined above.
- 8.133. In the instances where windows experience a VSC or NSC reduction greater than the BRE guidelines it should be noted that a high number of the affected windows are located beneath a recessed upper portion of the building or sit beneath overhanging balconies. In all instances however the resultant daylight levels would still be at a level which can be considered to be reasonable for an urban environment such as this. Where windows experience sunlight reduction greater than the BRE guidelines these generally only marginally exceed said guidelines. Given the above results it has been concluded that the proposed development would have a moderate significant impact upon 161 Mellish Street, which given the urban context of this location can be considered acceptable.

45 Millharbour

- 8.134. In terms of daylight, of the 319 windows analysed, 241 would meet the BRE guidelines with respect to VSC, with 23 windows experiencing a 20%-29.9% reduction, 34 windows experiencing a 30%-39.9% reduction, and 21 windows experiencing a 40% or greater reduction. Of the 214 rooms analysed, 191 rooms would meet the BRE guidelines with respect to NSC, with 13 rooms experiencing a 20%-29.9% reduction, 7 rooms experiencing a 30%-39.9% reduction, and 3 rooms experiencing a 40% or greater reduction. In the cumulative scenario 241 windows

would still continue to meet the BRE guidelines with respect to VSC, however 21 windows would experience a 20%-29.9% reduction, 36 windows would experience a 30%-39.9% reduction, and 21 windows would experience a 40% or greater reduction. The NSC results remain unchanged in the cumulative scenario.

- 8.135. In terms of sunlight, of the 269 windows facing the site and within 90 degrees of south, 235 would receive sunlight provision above the BRE guidelines and 34 would receive sunlight provision below the BRE guidelines. The cumulative results for sunlight do not differ from those outlined above.
- 8.136. In the instances where windows experience a VSC or NSC reduction greater than the BRE guidelines it should be noted that the affected windows are located beneath overhanging balconies, thus self-limiting light to the windows, and making small absolute reductions appear as relatively large proportional changes. Where windows experience sunlight reduction greater than the BRE guidelines, these are also located beneath overhanging balconies, which restricts the amount of sunlight that can reach the window pane. Given the above results it has been concluded that the proposed development would have a moderate significant impact upon 45 Millharbour, which given the urban context of this location can be considered acceptable.
- 8.137. In addition to the above properties tested, the following external amenity spaces have also been tested.

Rear gardens to 120-126 Mellish Street

- 8.138. Of the 4 affected external amenity spaces tested relating to 120-126 Mellish Street, only 1 of these spaces currently sees half or more of its area receiving at least two hours of sunlight on 21st March. 3 of the 4 affected spaces will see losses (in terms of the quantum of space receiving two hours of sunlight on 21st March) of less than 20% (2.1%, 3.3% and 13% respectively) with one space seeing a loss of 41.3%. The cumulative results for overshadowing of these external amenity spaces show no changes from the aforementioned results.
- 8.139. In the instances where external amenity spaces see losses in the quantum of space receiving two hours of sunlight on 21st March, it should be noted that the existing levels of sunlight received by said spaces are already low, meaning that small absolute reductions appear as relatively large proportional changes. Given the above results it has been concluded that the proposed development would have a **minor significant** impact upon the external amenity spaces of 120-126 Mellish Street, which given the urban context of this location can be considered acceptable.

Rear gardens to 139-155 Mellish Street

- 8.140. Of the 9 affected external amenity spaces tested relating to 139-155 Mellish Street, none of these spaces currently see half or more of their area receiving at least two hours of sunlight on 21st March. The proposed development has been concluded not to have any impact on the existing overshadowing levels of these spaces and the cumulative results also do not show there to be any impact.
- 8.141. Given the above results it has been concluded that the proposed development would have **no impact** upon the external amenity spaces of 139-155 Mellish Street.

Play area and open space to east of Winch House

- 8.142. The external space to the east of Winch House currently sees half or more of its area receiving at least two hours of sunlight on 21st March. The proposed development has been concluded not to have any impact on the existing overshadowing level of this space and the cumulative results also do not show there to be any impact.
- 8.143. Given the above results it has been concluded that the proposed development would have **no impact** upon the external amenity space to the east of Winch House.

Noise Impacts

- 8.144. A noise assessment accompanies the application and concludes that through the provision of appropriate glazing and ventilation, suitable levels of noise for the proposed residential and nursery uses would be achieved. This assessment takes into account the presence of a new data centre to the south of the site and its expected noise levels, however as a precaution, given that this data centre is currently not operational, a condition requiring an on-site noise assessment to take place once the data centre is operational will be required prior to the commencement of works on the application site.
- 8.145. Whilst the majority of proposed external amenity spaces are expected to achieve suitable levels of noise, where such noise levels are expected to be elevated the provision of appropriately designed balustrading would be sufficient to suitably reduce noise levels in these locations. Conditions requiring the submission of detailed specifications for the glazing and balustrading to ensure that future residents are not exposed to unacceptable noise levels will be imposed in the event that planning permission was to be granted.
- 8.146. With respect to noise generated by the development itself, through the demolition and construction process, a number of mitigation measures have been proposed to minimise disturbance during the demolition and construction process, including suitable hoardings and the selection of modern 'quiet plant' equipment, and such measures will be secured through the Construction Environmental Management Plan (CEMP). For proposed plant which will service the completed development suitable noise limits have been proposed to ensure that plant does not cause disturbance to existing residents in the surrounding area or future occupants of the proposed development, and a condition requiring testing to demonstrate compliance with such noise limits will be imposed in the event that planning permission was to be granted.

Construction Impacts

- 8.147. The construction impacts of the proposal would be carefully controlled and minimised through a suitably worded condition requiring the submission of a Construction Environmental Management Plan (CEMP). Such a document would be required to detail measures as to how pedestrian and cycling movements would be affected and managed during the construction process (in particular access to the Glengall Bridge), working hours, measures to control dust, air pollution, noise pollution, vibration, and any other measures in order to minimise the impact on the surrounding residents and building occupiers. It should be noted however that the applicant has already committed to providing an alternative route for pedestrians

and cyclists to access the Glengall Bridge from Millharbour (and visa versa) during the entirety of the construction process.

Conclusion

- 8.148. Officers consider that as the proposal would not significantly adversely impact the amenity of surrounding residents and building occupiers, and would also afford future occupiers of the development a suitable level of amenity, the proposed development can be seen to be in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.

Highways and Transport

Policy Context

- 8.149. According to paragraph 34 of the NPPF developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 8.150. Policy 6.1 of the London Plan (2016) seeks to support *“development that generates high levels of trips at locations with high levels of public transport accessibility”* and *“increase the use of the Blue Ribbon Network [...] for freight use”*. Other policies relevant to this development include policies 6.3, 6.9, 6.10, 6.13 and 7.26.
- 8.151. The Council’s Core Strategy policy SP08 seeks to encourage the sustainable transportations of freight by *“promoting and maximising the movement of freight by water and rail to take the load off the strategic road network”*. Policy SP09 seeks to *“ensure new development has no adverse impact on the safety and capacity of the road network”* and promote *“car free developments and those schemes which minimise on-site and off-site car parking provision, particularly in areas with good access to public transport”*.
- 8.152. The Council’s Managing Development Document policy DM20 states that *“development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network”*. Policy DM21 states that *“development that generates a significant number of vehicle trips for goods or materials during its construction and operational phases will need to demonstrate how the impacts on the transport network and on amenity will be avoided, remedied or mitigated”*. Policy DM22 states that *“where development is located in areas of good public transport accessibility and/or areas of existing on-street parking stress, the Council will require it to be permit-free”* and that *“development will be required to meet, and preferably exceed, the minimum standards for cycle parking”*.

Traffic and Highway Assessment

- 8.153. A manual PTAL calculation for the site which takes into account the existing South Quay pedestrian bridge along with current frequencies for DLR, Jubilee Line and local bus services affords the site a PTAL rating of 4 indicating that the site has good public transport accessibility. This is evidenced through the site’s close proximity to Crossharbour DLR station, 2 bus stops and Canary Wharf Jubilee Line station, which is a 12 minute walk from the application site.

Mode	AM Peak (08:00-09:00)	PM Peak (17:00-18:00)	Daily Total
DLR	69	59	549
Underground	34	30	282
Bus	41	32	273
Riverbus	2	2	18
Total	146	123	1,122

Fig.26 – Expected Public Transport Trip Generation

- 8.154. The submitted transport assessment outlines that the proposed development is expected to generate an additional 146 public transport trips during the AM peak and 123 public transport trips during the PM peak. Of these additional public transport trips 69 in the AM peak and 59 in the PM peak are expected to take place on the DLR, 34 in the AM peak and 30 in the PM peak are expected to take place on the Underground, 41 in the AM peak and 32 in the PM peak are expected to take place by bus, and 2 journeys in both the AM peak and PM peak are expected to take place by riverbus.
- 8.155. In addition to the above trips expected to take place by public transport as a result of the development, a further 174 trips are expected to be generated through other transport modes in the AM peak (a large proportion of which are generated by the proposed nursery), along with a further 99 trips in the evening peak. The majority of these other trips will take place in the form of walked trips (147 in the AM peak and 83 in the PM peak), with the remainder of trips taking place by bike, taxi or car, with the latter generating 17 trips in the AM peak (of which 4 trips are as passengers) and 7 trips in the PM peak (of which 3 trips are as passengers).
- 8.156. Given the proposed number of trips expected to be generated by this development both in absolute terms and as a proportion of trips generated by committed development in the area (i.e. the cumulative impact on the public transport and highway network), officers are of the opinion that the proposed development is unlikely to have a material impact upon either the local public transport network or the existing highway network, a view which is also shared by the public transport service provider, TFL. It should be noted that the trip generation figures outlined above include the proposed residential and nursery uses and do not include the supporting ground floor retail uses, however given that such uses are expected to be used predominantly by residents of the proposed development and existing surrounding residents, and will thus most likely take place on foot, it is not considered that their omission would alter the conclusions reached by officers as these uses would not be expected to materially affect either the public transport or highway impacts of such a development.
- 8.157. The proposed development includes alterations to both the public highway network and the un-adopted streets which run through the development site. These alterations include the pedestrianisation and widening of Pepper Street through the application site, the removal of the southern portion of Muirfield Crescent, the widening of the northern portion of Muirfield Crescent (in order to make it a two way street), along with alterations to the dropped kerbs / access to the site and public realm improvements to Millharbour which will be the subject of a S.278 agreement.

These proposed changes and their resulting arrangements are discussed further in both the design section of this report and under the servicing and deliveries heading within this section of the report.

- 8.158. Officers consider that the alterations to both the public highway network and the un-adopted streets which run through the development site as outlined above will improve the highway network within the immediate context of the application site, will not have an adverse impact upon either the safety or the capacity of the surrounding highway network and will also enhance walking and cycling routes across the site and within the immediate context.

Parking

- 8.159. The proposed development does not seek to provide any car parking (with the exception of blue badge spaces), and given the good public transport accessibility of this site officers are supportive of this arrangement and will seek to secure a permit free agreement as part of the S.106 agreement which will prevent future residents of the development from being able to apply for parking permits. The existing car park within the basement will continue to house 52 car parking spaces which are allocated to existing leaseholders, including Davenport House and 21 Pepper Street (i.e. the applicant's other nearby landholdings which sit outside of the red line boundary), and as and when such leases expire these spaces will either be reassigned as blue badge spaces or removed altogether. Such arrangements however will be the subject of a car parking management plan which will be secured as part of the S.106 agreement.
- 8.160. Within the basement car park the applicant seeks to provide 8 blue badge car parking spaces. Whilst the proposed quantum of blue badge spaces provided for the 32 wheelchair units is above the Council's own policy requirement of 2 spaces, it is below the London Plan's requirements of 32 spaces for this development. Given however the high accessibility of the site and the fact that the DLR (which is a fully step free public transport system) sits within close proximity to the site officers are content to accept a lower provision of blue badge parking in this instance, a position supported by both TFL and LBTH highways. Furthermore it should be noted that the car parking management plan which will be secured as part of the S.106 agreement will seek to ensure that as and when further car parking spaces within the basement become available (as a result of lease expiry or renegotiation), they are reassigned as blue badge spaces to provide additional provision.
- 8.161. The London Plan (2016) requires 20% of all car parking spaces to be for electric vehicles, and the proposed basement floor plan indicates that 2 out of the 8 proposed blue badge spaces (exceeding 20%) will be allocated for electric vehicles.
- 8.162. In order to comply with the London Plan (2016) cycle parking standards the residential portion of the development is required to provide a minimum of 519 long stay spaces and 8 short stay spaces. The non-residential portions of the development are required to provide a minimum of 13 long stay spaces and 30 short stay spaces.
- 8.163. The proposed development proposes to provide a total of 557 long stay cycle parking spaces for the residential portion of the development which exceeds the minimum requirements. This provision includes 24 spaces for adaptable bicycles and is all provided within two secure basement cycle stores, both of which are

accessible via a dedicated cycle lift which provides direct access from the street to the cycle stores. A further 13 long stay cycle parking spaces for the non-residential portions of the development are also located across the two secure basement cycle stores, and are also both supplemented by changing and showering facilities for users. A condition requiring the retention and maintenance of the proposed cycle parking (and its ancillary facilities) for the lifetime of the development shall be imposed.

- 8.164. A total of 38 short stay cycle parking spaces are proposed within the landscaping at ground floor level throughout the development in the form of 'Sheffield' type stands for visitors to the residential units, retail and community facilities. This proposed provision is in accordance with London Plan (2016) requirements and officers are content that the location of the proposed short stay cycle parking spaces is appropriate. The condition outlined within the previous paragraph would also make reference to the proposed short stay cycle parking.

Servicing and Deliveries

- 8.165. All servicing and deliveries to the proposed development (including the collection of refuse) will take place within a service yard which can accommodate up to 2 large vehicles at a time and is located within the proposed basement. This will be accessed via a ramp beneath Building A which surfaces in the north west corner of the site close to where Muirfield Crescent meets Millharbour. The ramped access to the service yard will feature a traffic light control and vehicle detection system to ensure that vehicles travelling in opposite directions are not sent up/down the ramp at the same time. This system would by default set the lights at the top of the ramp to green (unless a vehicle was exiting the basement at the time) to allow for free movement into the service yard and car park to prevent any traffic congestion outside of the building. Given the above, officers are content with the proposed layout and design of the servicing and delivery facilities within this development.

Land Use	AM Peak (08:00-09:00)	PM Peak (17:00-18:00)	Daily Total
Residential	2	0	11
Retail	3	1	20
Community	0	0	0
Total	5	1	31

Fig.27 – Expected Servicing Trip Generation

- 8.166. The submitted transport assessment outlines that the proposed development is expected to generate 31 servicing trips per day, with 5 of these trips taking place in the AM peak and 1 of these trips taking place in the PM peak. Given the limited number of servicing trips expected to be generated by this development, of which only 6 per day will take place in peak periods, officers are content that the proposed servicing and delivery impacts of the proposal upon the existing highway network are acceptable.
- 8.167. The proposed alterations to the un-adopted streets which run through the application site (as explained under the 'traffic and highway assessment' of this section of the report) will affect existing servicing and delivery arrangements to

neighbouring buildings, including: Bellerive House; Archway House; Davenport House; 21 Pepper Street; and 8-19 Pepper Street (which features a small ground floor car park for residents). A vehicle count survey undertaken in June 2016 identified that the existing Muirfield Crescent saw 219 vehicular movements per day (111 arrivals and 108 departures), however it should be noted that a significant portion of these vehicle movements will either be redirected to the proposed basement or be serving buildings which will be demolished as part of this development.

- 8.168. Servicing and delivery to the retained neighbouring buildings will continue to take place at surface level, however vehicular access and egress to these buildings will now take place via the newly widened two-way Muirfield Crescent along the northern side of the site, as opposed to the current Muirfield Crescent one-way 'circular route' which runs through the site. The existing retained buildings which are still to be serviced on-street are expected to generate 34 vehicular movements per day (17 arrivals and 17 departures), a significant reduction on the current number of on-street vehicle movements. Officers are thus content that the low level of vehicle movements proposed will not adversely impact the usability and nature of the proposed public realm nor pose unacceptable safety concerns for more vulnerable users of this space (i.e. pedestrians and cyclists).

Conclusion

- 8.169. Officers consider that as the proposal would not have an adverse impact upon the local highway and public transport network, would provide suitable parking arrangements, and would be serviced in a manner which would not adversely impact the local highway network, the proposal on balance is acceptable in transport and highways terms.

Waste

Policy Context

- 8.170. Policy 5.17 of the London Plan (2016) states that development proposals should be *"minimising waste and achieving high reuse and recycling performance"*.
- 8.171. The Council's Core Strategy policy SP05 (1) states that development should *"implement the waste management hierarchy of reduce, reuse and recycle"*.
- 8.172. The Council's Managing Development Document policy DM14 (2) states that *"development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle"*.

Assessment

- 8.173. The Council's current minimum waste requirements for new residential units are as follows:

Unit Size	Refuse (litres)	Dry Recyclables (litres)	Food Waste (litres)
1 Bed	70	50	23
2 Bed	120	80	23
3 Bed	165	110	23
4 Bed	215	140	23

Fig.28 – Council Minimum Waste Requirements

- 8.174. The following table outlines the minimum required waste storage requirements for this development and the levels of waste storage being proposed:

Waste Stream	Required Storage (litres)	Proposed Storage (litres)
Refuse	34,710	39,600
Dry Recyclables	23,510	26,880
Food Waste	7,337	8,160

Fig.29 – Proposed Waste Provision

- 8.175. For all three waste streams (refuse, dry recyclables and food waste) the levels of waste storage proposed exceed the minimum requirements which is welcomed. Whilst the applicant has explored alternative methods of waste collection in order to reduce the amount of vehicular trips required to make waste collections, including bin compaction, it was concluded that such alternative methods of waste collection were not possible as part of this proposal due the fact that compacting bins increases their weight which could damage the lifting mechanisms of the Council's waste trucks.
- 8.176. All waste storage is located within the basement and waste chutes (split by waste stream) are proposed within the two buildings allowing for future residents to easily dispose of waste. For the proposed townhouses within Building B, a small waste store is located at podium level and on-site facilities management will move this waste to the main basement store. Each building also has access to a bulky waste store within the basement for the storage of bulky waste goods which will be managed by the on-site facilities management team. Separate areas for the storage of commercial waste (to be collected by private contractors) have also been proposed within the basement. In order to ensure that such measures are adequately implemented a condition requiring the submission of a detailed waste management strategy would be imposed in the event that planning permission was to be granted.

Energy Efficiency and Sustainability

Policy Context

- 8.177. Paragraph 93 of the NPPF states that planning plays a key role in reducing greenhouse gas emissions, minimising vulnerability and providing resilience to the

impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. Paragraph 97 of the NPPF seeks to support development which can draw its energy supply from decentralised, renewable or low carbon energy supply systems.

- 8.178. Policy 5.2 of the London Plan (2016) states that *“development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy: 1) be lean: use less energy, 2) be clean: supply energy efficiently, 3) be green: use renewable energy”*. Policy 5.3 states that *“the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime”*. Policy 5.6 states that *“development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites”*. Policy 5.7 states that *“within the framework of the energy hierarchy, major development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible”*. Finally policy 5.9 states that *“major development proposals should reduce potential overheating and reliance on air conditioning systems”*.
- 8.179. The Council’s Core Strategy policy SP11 seeks to ensure that development helps to *“implement a borough-wide carbon emissions target of 60% below 1990 levels by 2025”*.
- 8.180. The Council’s Managing Development Document policy DM29 details the necessary carbon reductions over and above the building regulations requirements and states that *“development will be required to connect to or demonstrate a potential connection to a decentralised energy system unless it can be demonstrated that this is not feasible or viable”* and that *“sustainable design assessment tools will be used to ensure climate change mitigation measures are maximised within development”*.

Assessment

- 8.181. The applicant has submitted both an energy and sustainability statement which detail how the London Plan energy hierarchy of ‘be lean, be clean and be green’ has been adhered to in the design of the proposed building, and how sustainable design features have been incorporated into the proposal.
- 8.182. All reasonable endeavours have been made to reduce the amount of energy required by the building and supply it in the most efficient method possible, through the incorporation of a number of energy efficiency measures (including a rooftop PV array) and the delivery of a connection to the Barkantine CHP. These measures have led to the scheme achieving a 37.3% reduction in CO2 emissions for the residential elements and a 13% reduction for the non-residential elements against the Building Regulations 2013, short of the 45% policy target.
- 8.183. In accordance with policy requirements, the applicant has agreed to the full financial contribution to the Council’s carbon offsetting programme to achieve a total reduction of 45% (£473,400). In addition to securing the financial contribution through the S.106 agreement, a condition requiring the submission of the as built CO2 reduction calculations will also be required to ensure that they meet the current projected figures.

- 8.184. Part (4) of policy DM29 in the Managing Development Document states that sustainable design assessment tools will be used to ensure that development achieves the highest levels of sustainable design and construction. It should be noted that the Code for Sustainable Homes was abolished in 2015 and as such no longer applies to this development. As such the only sustainable design assessment tool relevant to this development is BREEAM which only covers the non-residential element of the proposal, and in order to meet policy DM29 the proposed non-residential elements of the proposal must be designed to achieve a BREEAM 'Excellent' assessment rating.
- 8.185. The submitted sustainability statement shows that the proposed commercial units have been designed to be BREEAM 'Excellent' achieving a score of 72.98% and the proposed nursery has also been designed to be BREEAM 'Excellent' achieving a score of 73.14%. In order to ensure that the development achieves this target a condition requiring the final certificates to be submitted within 3 months of completion of the development will be imposed.
- 8.186. Subject to the conditions outlined above and the carbon off-setting planning obligation, officers are content that the proposal accords with relevant policies and guidance with respect to energy efficiency and sustainability.

Environmental Considerations

Policy Context

- 8.187. Policies 5.10 and 5.11 of the London Plan (2016) state that *"development proposals should integrate green infrastructure" such as "roof, wall and site planting"*. Policy 5.12 states that *"development proposals must comply with the flood risk assessment and management requirements set out in the NPPF"*. Policy 5.13 states that *"development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for doing so"*. Policy 5.21 states that *"appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination"*.
- 8.188. Policy 7.7 states that *"tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference"*. Policy 7.8 states that *"new development should make provision for the protection of archaeological resources"*. Policy 7.14 states that *"development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality"*. Policy 7.19 states that *"development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity"*. Finally policy 7.21 states that *"existing trees of value should be retained and any loss as the result of development should be replaced"*, and *"wherever appropriate the planting of additional trees should be included in new developments"*.
- 8.189. The Council's Core Strategy policy SP03 states that air pollution in the borough will be addressed by *"managing and improving air quality along transport corridors"* and *"implementing a "Clear Zone" in the borough to improve air quality"*. Policy SP04 states that the Council will *"promote and support new development that provides green roofs, green terraces and other measures to green the built environment"* and that *"all new development that has to be located in a high risk flood zone must demonstrate that it is safe [and] that all new development across the borough does not increase the risk and impact of flooding"*. Policy SP10 states

that development should seek to protect and enhance archaeological remains and archaeological priority areas.

- 8.190. The Council's Managing Development Document policy DM9 states that *"major development will be required to submit an Air Quality Assessment demonstrating how it will prevent or reduce associated air pollution during construction or demolition"*. Policy DM11 states that *"development will be required to provide elements of a 'living building'"* and will be required to deliver *"biodiversity enhancements in accordance with the Council's Local Biodiversity Action Plan"*. Policy DM13 states that *"development will be required to show how it reduces the amount of water usage, runoff and discharge from the site, through the use of appropriate water reuse and Sustainable Urban Drainage (SUD) techniques"*. Policy DM27 states that development within Archaeological Priority Areas will be required to be accompanied by *"an Archaeological Evaluation Report and will require any nationally important remains to be preserved permanently on site"*.
- 8.191. Finally policy DM30 states that *"where development is proposed on contaminated land or potentially contaminated land, a site investigation will be required and remediation proposals agreed to deal with the contamination before planning permission is granted"*.

Archaeology

- 8.192. The application site is located within an Archaeological Priority Area and as such intrusive ground works during the demolition and construction works could disturb any archaeological heritage that has survived historical development. The Greater London Archaeological Advisory Service (GLAAS), has requested a condition securing a targeted programme of archaeological investigation and evaluation that would determine a detailed mitigation strategy to be implemented in advance of intrusive ground works. A condition securing this arrangement will be imposed in the event that planning permission is granted, and with the inclusion of this condition, the proposal can be considered to comply with relevant policy.

Air Quality

- 8.193. The applicant has submitted an air quality assessment which assesses the existing air quality of the site and surroundings as well as the level of emissions from transport generated by the proposed use and the building itself, as well as during the construction period. The assessment concludes that in this instance any emissions generated by the proposed development would either result in an imperceptible deterioration in air quality or no deterioration at all, and therefore the development meets the requirement to be 'Air Quality Neutral'.
- 8.194. The Council's Environmental Health Air Quality officer has reviewed the submitted air quality assessment and is in agreement with its conclusions. The air quality officer has however requested a condition that in the event that connection to the Barkantine heat network is not feasible and an on-site energy centre is required, a further air quality assessment shall be submitted in order to demonstrate that the impacts of the energy centre on local air quality is acceptable and that the energy centre meets the GLA's air quality neutral policies.

Biodiversity

- 8.195. The submitted Environmental Statement demonstrates that the application site itself has no significant biodiversity value, which the Council's biodiversity officer is in agreement with.
- 8.196. In order to comply with relevant policy which requires new development to provide elements of a living building and contributions towards the Council's Local Biodiversity Action Plan (LBAP), the applicant has proposed a number of biodiversity enhancement measures. These include brown roofs, bat boxes, bird boxes, additional trees and planting (including the creation of a new wildflower meadow). The Council's biodiversity officer concluded that the proposals would enhance biodiversity on the site and contribute towards the Local Biodiversity Action Plan (LBAP).
- 8.197. Subject to conditions requiring a precautionary bay survey (if works have not commenced by March 2018), details of proposed external lighting, and full details of biodiversity mitigation and enhancements, the proposal can be considered to comply with relevant policy.

Contaminated Land

- 8.198. The Council's Environmental Health Contaminated Land officer has reviewed the proposals and has requested conditions requiring the submission of a full site investigation report prior to the commencement of works and a full verification report prior to the occupation of the development to ensure that any land contamination present on this site is appropriately dealt with in order to minimise any risks to health and ecology.

Flood Risk

- 8.199. The application site falls within Flood Risk Zone 3 of the Environment Agency (EA) map, where the annual probability of fluvial flooding is classified as greater than 1 in 100 and the annual probability of tidal flooding is classified as greater than 1 in 200. Whilst Flood Risk Zone 3 represents an area with the highest level of flood risk, it should be noted that this area is well protected by the Thames Barrier.
- 8.200. The application is supported by a flood risk assessment which outlines a number of measures incorporated into the scheme's design which would allow occupants of the building to remain safe in the event of a flood. The Environment Agency have reviewed the submitted flood risk assessment and have not objected to the proposals due to the fact that whilst there is no safe means of access and/or egress in the event of flooding to an area wholly outside of the floodplain (due to the low lying nature of the Isle of Dogs), safe refuge of building occupants could take place within the higher floors of the development in the event of a flood. In light of the above officers consider that the proposed development is acceptable in flood risk terms.

Microclimate

- 8.201. An assessment of the likely wind conditions as a result of the development and the suitability of these in terms of pedestrian comfort has been undertaken which has been informed by meteorological data and detailed wind tunnel testing. It should be noted that the wind microclimate in and around the application site is considered to be relatively calm.

- 8.202. Within the proposed development a landscaping scheme including the planting of a number of trees along and within key pedestrian routes and squares has been proposed in order to mitigate the increased wind levels as a result of the proposals. Once such mitigation has been factored in, the resultant wind conditions throughout the site and the surrounding area have been concluded to be suitable for their intended uses, and as such the proposal can be considered to be acceptable in terms of its impact on the local microclimate.

Solar Glare

- 8.203. The impacts of the proposal on driver's sight lines within the surroundings of the application site, in terms of any reflected solar glare generated by this development, have been assessed as part of the daylight and sunlight assessment. In all of the locations tested it has been concluded that the proposal would only have a minor adverse impact upon driver's sight lines as there are either no instances of solar glare in most locations or very minor instances of solar glare on some minor local roads.

SUDS

- 8.204. As part of the proposed flood risk assessment the applicant has submitted details of how SUDS (Sustainable Urban Drainage) features could be incorporated into the development, which include attenuation tanks (underground storage), living roofs, rainwater harvesting and the potential to discharge some surface water into the adjacent Millwall Docks (subject to permission from the Canals and Rivers Trust). These measures would reduce the surface water discharge rate to the sewers by 50%, compared to the existing situation.
- 8.205. Subject to a condition requiring the submission of a detailed surface water drainage scheme for the site based on sustainable drainage principles prior to the commencement of any superstructure works, the proposal can be considered to comply with relevant policy relating to SUDS.

Television and Radio Reception

- 8.206. Given the scale of existing development within the surrounding area, it is not expected that the proposed development would give rise to any notable radio and television signal interference for surrounding properties. Nonetheless in the event that planning permission was to be granted a condition requiring the submission of such an assessment, along with any mitigation measures necessary (in the event that any adverse impacts are identified) prior to the commencement of development will be imposed.

Trees

- 8.207. The proposed development involves the loss of a number of existing trees as well as the retention of a number of existing trees, however also proposes a number of new trees within the proposed public realm, such as along Pepper Street, within the pocket park on the south-western corner of the site, and within the two new public spaces on the eastern side of the site. Given the above it is considered that the proposal appropriately mitigates for the proposed tree losses and is acceptable subject to conditions requiring a detailed planting scheme and details of how retained trees both on and close to the site will be protected during construction works.

Conclusion

- 8.208. Officers consider that the proposal is acceptable in archaeology, air quality, biodiversity, contaminated land, flood risk, microclimate, solar glare, SUDS, television and radio reception terms, and also in terms of its impact on trees. The proposal can thus be considered to be in accordance with the relevant policies of the London Plan (2016), Core Strategy (2010) and Managing Development Document (2013) as set out within the policy context section of this chapter.

Environmental Impact Assessment

- 8.209. The planning application represents EIA development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (from this point referred to as the '2011 EIA Regulations'). The application was submitted in December 2016 accompanied by an Environmental Statement (ES) produced by Waterman Infrastructure & Environment Limited.
- 8.210. It is noted that since the application was submitted, new EIA Regulations have been published on 16th May 2017 - The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (from this point referred to as the '2017 EIA Regulations'). Regulation 76 of the 2017 EIA Regulations sets out the transitional provisions for the regulations. Regulation 76(1) specifically states The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) continue to apply where an ES has been submitted prior to the 2017 EIA Regulations coming into force. This application therefore continues to be processed under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).
- 8.211. The ES assesses the environmental effects of the development under the following topics:
- Development Programme and Construction;
 - Socio-Economics;
 - Transportation and Access;
 - Air Quality;
 - Noise and Vibration;
 - Archaeology;
 - Ground Conditions and Contamination;
 - Water Resources and Flood Risk;
 - Daylight, Sunlight and Overshadowing;
 - Wind; and
 - Cumulative Effects.
- 8.212. In addition, the Applicant submitted 'further information' under Regulation 22 of the 2011 EIA Regulations, which was processed as required under the regulations.
- 8.213. Regulation 3 prohibits the Council from granting planning permission without consideration of the environmental information. The environmental information comprises the ES, including any further information submitted following request(s) under Regulation 22 and any other information, any representations made by consultation bodies or by any other person about the environmental effects of the development.

- 8.214. LBTH's EIA consultants were commissioned to undertake an independent review of the ES, to confirm whether it satisfied the requirements of the EIA Regulations. The ES has also been reviewed by the Council's EIA Officer and internal environmental specialists.
- 8.215. The EIA consultants and EIA Officer have confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.
- 8.216. LBTH, as the relevant planning authority, has taken the 'environmental information' into consideration when determining the planning application. Mitigation measures will be secured through planning conditions and/or planning obligations where necessary.

Impact Upon Local Infrastructure/Facilities

- 8.217. Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Planning Obligations SPD (2016) sets out how these impacts can be assessed along with appropriate mitigation measures.
- 8.218. The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and,
 - (c) Fairly and reasonably related in scale and kind to the development.
- 8.219. Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.220. Securing necessary planning contributions is further supported Core Strategy Policy SP13 'Planning obligations' which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development. This is explained in the Council's Draft Planning Obligations SPD that sets out the borough's key priorities:
- Affordable Housing
 - Employment, Skills, Training and Enterprise
 - Education
- 8.221. If permitted and implemented, the proposal would also be subject to the Council's community infrastructure levy.
- 8.222. The proposed development would place additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene. Should planning permission be granted, the LBTH CIL contribution is estimated at £6,205,626.74.

- 8.223. In addition the development would be liable to the London Mayor's CIL estimated at £1,409,614.48. The development does not sit within 1km of a proposed Crossrail station and thus would not attract the Mayor's Crossrail levy.
- 8.224. The applicant has also offered 35% affordable housing by habitable room with a tenure split of 70.5%/29.5% in favour of social/affordable rented accommodation (66% Tower Hamlets living rents and 34% London Affordable rents) and shared ownership housing, respectively. This offer has been independently viability tested and the information submitted is considered to be comprehensive and robust. The maximum level of affordable housing has been secured in accordance relevant development plan policy. A development viability review clause to identify and secure any uplift of affordable housing if the development has not been implemented within 48 months from the grant of permission (with the definition of 'implementation' to be agreed as part of the S.106 negotiations) would also be secured should permission be granted.
- 8.225. Should permission be granted, the developer would also be required to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a car parking permit-free agreement (other than for those eligible for the Permit Transfer Scheme), a welfare facility for the Metropolitan Police, a S.278 agreement, a management plan to reduce on-site parking and a residential travel plan. The developer would also be required to provide and maintain public access through the site and within areas of public realm on site.
- 8.226. The financial contributions offered by the applicant are summarised in the following table:

Planning Obligation	Financial Contribution
Employment, skills, training and enterprise during the construction phase	£129,082.12
Employment, skills and training to access employment within the final development.	£9,159.15
Carbon off-set initiatives	£473,400
Monitoring	£6,500
Total	£618,141.27

- 8.227. These obligations are considered to meet the tests set out in guidance and the CIL regulations.

Other Local Finance Considerations

- 8.228. Section 70(2) of the Planning Act provides that in dealing with a planning application a local planning authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
 - Any local finance considerations, so far as material to the application; and,
 - Any other material consideration.
- 8.229. Section 70(4) defines "local finance consideration" as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

8.230. In this context “grants” include the New Homes Bonus Scheme (NHB).

8.231. NHB was introduced by the Government in 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The NHB is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. The grant matches the additional council tax raised by the Council for each new house built for each of the six years after that house is built. This is irrespective of whether planning permission is granted by the Council, the Mayor of London, the Planning Inspectorate or the Secretary of State.

8.232. Using the DCLG’s New Homes Bonus Calculator, this development, if approved, would generate in the region of £453,927.00 in the first year and a total payment of £2,723,564.00 over 6 years.

Human Rights Act 1998

8.233. Section 6 of the Act prohibits the local planning authority from acting in a way which is incompatible with the European Convention on Human Rights parts of which were incorporated into English law under the Human Rights Act 1998.

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

Equalities Act 2010

8.235. The Equalities Act provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty when determining all planning applications and representations to the Mayor. In particular, the Committee must pay due regard to the need to:

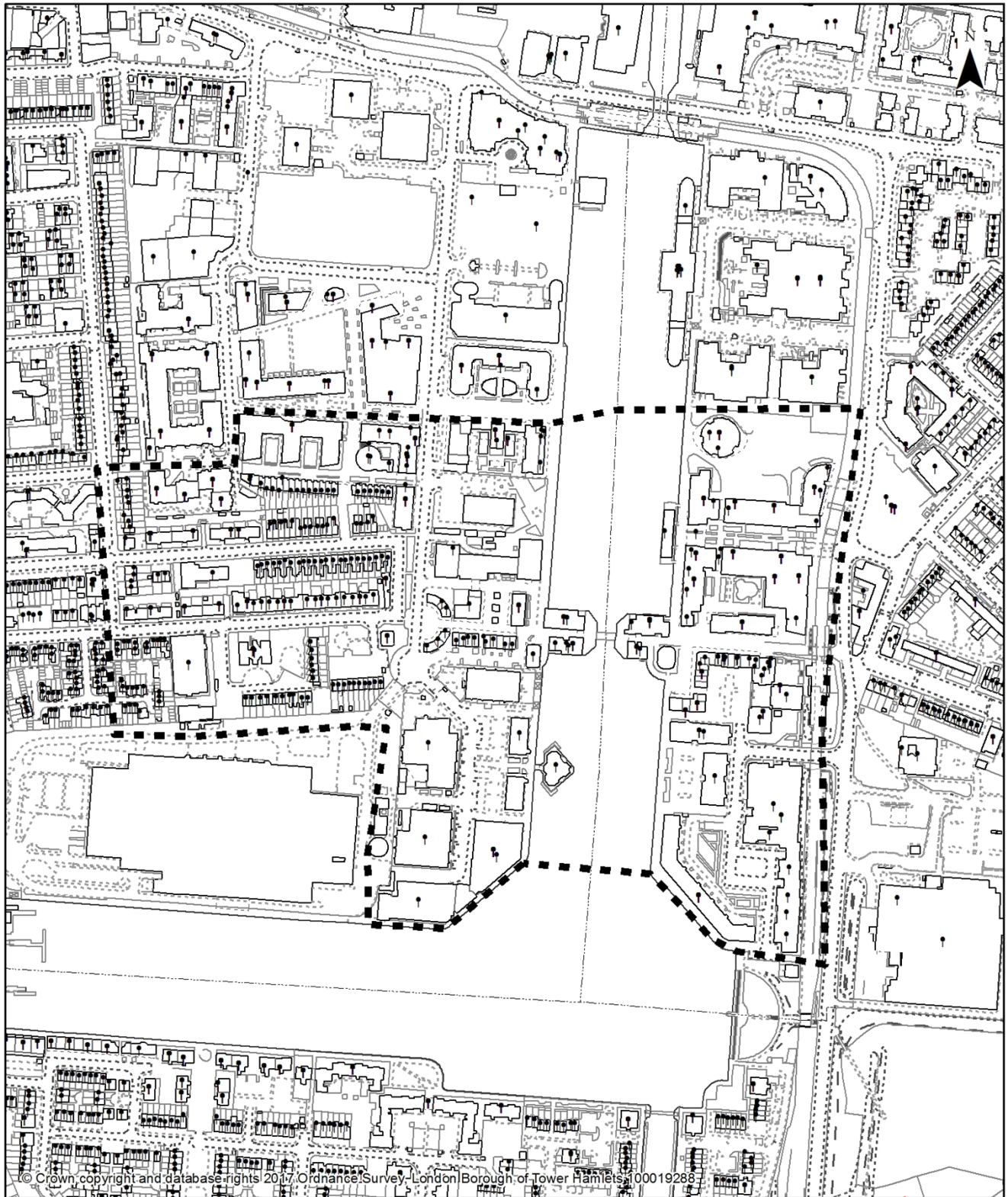
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share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

8.236. It is considered the proposed development would not conflict with any of the above considerations. It is also considered that any impact in terms of fostering relations and advancing equality with regard to sex, race, religion and belief would be positive. In particular, it should be noted that the development includes access

routes and buildings that would be accessible to persons with a disability requiring use of a wheelchair or persons with less mobility.

9.0 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 MATERIAL PLANNING CONSIDERATIONS section of this report and the details set out in the RECOMMENDATIONS at the beginning of this report.



Planning Application Site Map PA/16/03518

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



Scale @ 1:4,000
50 25 0 50 100 150 Meters



GIS for
Place Directorate

LONDON BOROUGH OF TOWER HAMLETS
Date: 02/10/2017

