

<b>Committee:</b> Strategic Development	<b>Date:</b> 24 <sup>th</sup> January 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Tim Ross/Pete Smith		<b>Ref No:</b> PA/11/3617	
		<b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

**Location:** Skylines Village, Limeharbour, London

**Existing Use:** Office (Use Class B1)

**Proposal:** Proposed demolition of all existing buildings within Skylines Village and the erection of buildings with heights varying from 2 to 50 storeys, comprising of the following:

- 764 residential units (Use Class C3);
- 1,982 sq.m (GIA) of flexible retail/office floor space (Use Class B1/A1 – A5);
- 4,480 sq.m (GIA) of office floor space, including a business centre (Use Class B1)
- 2,250sq.m (GIA) of community floor space (Use Class D1);
- A two-level basement containing associated car parking spaces, motorcycle spaces, cycle parking, associated plant, storage and refuse facilities

The application also proposes new public open space, associated hard and soft landscaping.

This application is accompanied by an Environmental Impact Assessment under the provisions of the Town & Country Planning (Environmental Impact Statement) Regulations 2011 (as amended).

**Drawing Nos:** Submission Documents

PA/03/010 - Site Plan With Red Line 1/1250 A1  
PA/04/010 - Existing Site Plan 1/300 A1  
PA/04/011 - Existing Context Elevations 1/300 A1  
PA/04/012 - Existing Context Site Sections 1/300 A1  
PA/05/010 - Proposed Location Plan 1/1250 A1  
PA/05/011 A Proposed Basement Plan #1 1/300 A1  
PA/05/012 A Proposed Basement Plan #2 1/300 A1  
PA/05/013 A Proposed Ground Floor Plan 1/300 A1  
PA/05/014 A Proposed Typical Floor 1/300 A1  
PA/05/015 A Proposed Landscape Plan 1/300 A1  
PA/05/016 A Proposed Roof Plan 1/300 A1  
PA/05/020 A Proposed Context Site Sections 1/2000 A1  
PA/05/021 A Proposed Context Site Sections 1/2000 A1  
PA/05/026 A Context Elevation 1/1500 A1  
PA/05/025 A Context Elevation 1/1500 A1  
PA/05/030 A Buildings A and B - East Elevation 1/300 A1  
PA/05/031 A Buildings A and B - West Elevation 1/300 A1  
PA/05/032 B Buildings A and B - North & South Elevations 1/300 A1  
PA/05/040 A Buildings B1 and C- North Elevation 1/300 A1  
PA/05/041 A Buildings B1 and C - South Elevation 1/300 A1

PA/05/042 A Buildings B1 and C - East Elevations 1/300 A1  
 PA/05/043 A Buildings B1 and C - West Elevations 1/300 A1  
 PA/05/048 A Detailed Plan Marsh Wall 1/250 A1  
 PA/05/049 A Detailed Plan Limeharbour 1/250 A1  
 PA/05/050 B Landscape Sections AA & BB 1/250 A1  
 PA/05/051 A Context Site Section CC 1/250 A1  
 PA/05/052 A Context Site Section DD 1/250 A1  
 PA/05/053 A Context Site Section EE 1/250 A1  
 PA/05/054 A Context Site Section FF 1/250 A1  
 PA/05/055 A Context Site Section GG 1/250 A1  
 PA/05/056 A Context Site Sections HH & II 1/250 A1  
 PA/05/057 A Context Site Section JJ 1/250 A1  
 PA/05/058 A Context Site Section JJ 1/250 A1  
 PA/05/059 - Proposed Connection with Aste Street 1/250 A1  
 PA/05/060 A Blocks A & B Sections EE & FF 1/300 A1  
 PA/05/061 A Blocks B1 & C Sections HH 1/300 A1  
 PA/05/062 A Block B1 & C Section GG 1/300 A1  
 PA/05/070 A Building A Plans – Typical Plans - sheet 1 1/250 A1  
 PA/05/071 A Building A Plans – Typical Plans - sheet 2 1/250 A1  
 PA/05/072 A Building A Plans – Typical Plans - sheet 3 1/250 A1  
 PA/05/073 A Building A Plans – Typical Plans - sheet 4 1/250 A1  
 PA/05/073 superseded by July 2012 Addendum  
 PA/05/080 A Building B Plans - Typical Plans - sheet 1 1/250 A1  
 PA/05/081 A Building B Plans - Typical Plans - sheet 2 1/250 A1  
 PA/05/090 A Building B1 Plans – Typical Plans - sheet 1 1/250 A1  
 PA/05/091 A Building B1 Plans – Typical Plans - sheet 2 1/250 A1  
 PA/05/092 A Building B1 Plans – Typical Plans - sheet 3 1/250 A1  
 PA/05/093 A Building B1 Plans – Typical Plans - sheet 4 1/250 A1  
 PA/05/094 A Building B1 Plans – Typical Plans - sheet 5 1/250 A1  
 PA/05/100 A Building C1 Plans – Typical Plans - sheet 1 1/250 A1  
 PA/05/101 A Building C1 Plans – Typical Plans - sheet 2 1/250 A1  
 PA/05/110 A Building C2 Plans – Typical Plans- sheet 1 1/250 A1  
 PA/05/120 A Building C3 Plans – Typical Plans- sheet 1 1/250 A1  
 PA/09/010 - Building A & B - Typical Cladding Arrangement 1/100 A1  
 PA/09/011 - Building B1 & C - Typical Cladding Arrangement 1/100 A1

Supplemental Planning Statement prepared by Rolfe Judd Planning;  
 Revised Drawings and Area Schedule prepared by Farrells;  
 Design Statement Addendum and Access Statement Addendum  
 prepared by Farrells;  
 Updated Environmental Statement Non-Technical Summary  
 prepared by URS;  
 Environmental Statement Addendum Volume I and Volume III  
 (Appendix B) prepared by URS;  
 Environmental Statement Volume II Addendum: Townscape and  
 Visual Impact Assessment prepared by Peter Stewart Consultancy  
 and Glow Frog;  
 Environmental Statement Addendum Volume III (Appendix A –  
 Daylight and Sunlight Addendum Report) prepared by GIA;  
 Energy Statement (July 2012) prepared by Watermans;  
 Sustainability Statement (July 2012) prepared by Watermans;  
 Waste Management Plan (July 2012) prepared by ARUP;  
 Transport Letter responding to comments from TfL and LB of  
 Tower Hamlets prepared by WSP;  
 Skylines Employment Statement 21/12/12 prepared by Rolf Judd  
 Skylines Open Space Covering letter January 2013 prepared by Rolf  
 Judd

**Applicant:** ZBV (Skylines) Ltd & Skylines (Isle of Dogs) Ltd  
**Owner:** Multiple owners  
**Historic Building:** N/A  
**Conservation Area:** N/A

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

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Submission Version May 2012) with Modifications; as well as the London Plan (2011) and the National Planning Policy Framework and has found that:
- 2.2 Through the provision of a new residential led mixed use development, the scheme will maximise the use of previously developed land and will significantly contribute towards creating a sustainable residential environment in accordance Policy 3.3 and 3.4 of the London Plan (2011); LAP 7 & 8 of the Core Strategy, Policies SP02 of Core Strategy (2010); and Policy DM3 of Managing Development DPD (Submission Version May 2012) with Modifications and in accordance with the objectives of the Borough's Site Allocation for Marsh Wall East as outlined in the Managing Development DPD (Submission Version May 2012) with Modifications and objectives for the Central Sub Area of the Isle of Dogs Area Action Plan (IPG 2007).
- 2.3 The development would form a positive addition to London's skyline, without causing detriment to local or strategic views, in accordance Policies 7.8 of the London Plan (2011), and Policy SP10 of the Core Strategy (2010) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance designated and local views
- 2.4 The urban design, layout, building height, scale and bulk and detailed design of the scheme is considered acceptable and in accordance with Chapter 7 of the London Plan (2011); saved Policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policies DM23, DM24 and DM27 of the Managing Development DPD (Submission Version May 2012) with Modifications which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the nearby by Coldharbour Conservation Area.
- 2.5 The density of the scheme would not result in significant adverse impacts typically associated with overdevelopment and is therefore acceptable in terms of Policy 3.4 of the London Plan (2011), Policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), Policy SP02 of the Core Strategy (2010), Policies DM24 and DM25 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.
- 2.6 On balance, the impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental given the urban nature of the site. As such, the proposal accords with Policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), Policy SP10 of the Core Strategy (2010), Policy DM25 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.

- 2.7 On balance, the quantity and quality of housing amenity space, communal space, child play space and open space are acceptable given the urban nature of the site and accords with Policy 3.6 of the London Plan (2011), Policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998), Policy SP02 of the Core Strategy (2010), Policy DM4 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) which seek to improve amenity and liveability for residents.
- 2.8 The scheme would deliver improved permeability and accessibility through the scheme and wider area whilst being designed to provide a safe and secure environment for residents. The development accords with Policy DEV1 of the Council's Unitary Development Plan (1998), Policies SP09 and SP10 of the Core Strategy (2010), Policies DM23, DM24, DM27 and the site allocation of the Managing Development DPD (Submission Version May 2012) with Modifications and Policy DEV4 of the Council's Interim Planning Guidance (2007) which require all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.9 Transport matters, including parking, access, and servicing are acceptable and accord with Policies 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), Policies T16 and T18 of the Council's Unitary Development Plan (1998), Policy SP09 of the Core Strategy (2010), Policies DM20 and DM22 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.10 Sustainability matters including energy, are acceptable and accord with Policies 5.2 and 5.7 of the London Plan (2011), Policy SP11 of the Core Strategy (2010), Policy DM29 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007) which seek to promote sustainable development practices.
- 2.11 The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents, in line with the NPPF, Policy DEV4 of the Council's Unitary Development Plan (1998), Policy IMP1 of the Council's Interim Planning Guidance (2007) and the Councils Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

### 3. RECOMMENDATION

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

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

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

#### 3.2 Financial Obligations

- a) A contribution of £277,020 towards enterprise & employment.
- b) A contribution of £668,039 towards leisure and community facilities.
- c) A contribution of £202,982 towards libraries facilities.

- d) A contribution of £2,269,169 to mitigate against the demand of the additional population on educational facilities.
- e) A contribution of £1,017,150 towards health facilities.
- f) A contribution of £828,386 towards public open space.
- g) A contribution of £23,385 towards sustainable transport.
- h) A contribution of £368,754 towards streetscene and built environment.
- i) A contribution of £224,700 towards TfL London Buses.
- j) A contribution of £15,000 towards wayfinding.
- k) A contribution of £117,891 towards S106 monitoring fee (2%)

**Total: £6,012,477**

### 3.3 Non-Financial Obligations

- a) 36% affordable housing, as a minimum, by habitable room
  - 71% Social Target Rent
  - 29% Intermediate
  - Development viability review clause to secure any uplift.
- b) Employment and Training Strategy including existing business retention and relocation initiatives
- c) Provision of two floors 'shell and core (including internal walls)' in Block B for youth and community services at a 'peppercorn rent' for 5 year period – precise details still to be agreed with applicant and Council.
- d) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- e) Provision of real time DLR information board
- f) DLR Radio Communication signal booster mitigation (where necessary)
- g) On Street Parking Permit-free development
- h) Basement car parking spaces for new residents eligible of the Council's Permit Transfer Scheme
- i) Electric Vehicle Charging Points
- j) Travel Plan
- k) Code of Construction Practice
- l) Off-site Highways Works
  - New raised table, pedestrian crossing and associated works Marsh Wall/Limeharbour

- m) Access to open spaces during specified periods
- n) 24 Hours access to public square
- o) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

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

### **CONDITIONS & INFORMATIVES**

#### 'Compliance' Conditions –

1. Permission valid for 3yrs
2. Development in accordance with approved plans
3. Lifetime Homes Standards
4. Parking details (provision of 10% disabled spaces and 20% electric vehicle charging)
5. 10% wheelchair homes
6. Code for Sustainable Homes Level 4
7. BREEAM Excellent
8. In accordance with approved Flood Risk Assessment (floor finish levels, surface water drainage solutions)
9. Hours of construction
10. Cranage height & max building height restriction (London City Airport)
11. Compliance with energy strategy

#### 'Prior to Commencement' Conditions:

1. Contamination – investigation and remediation (in consultation with LBTH Environmental Health and the Environment Agency)
2. Approval of all external materials
3. Approval of child play equipment
4. Landscape and public realm detail (including boundary treatment, ground surface materials, planting scheme, furniture, lighting, Fire Safety measures and location)
5. Estate Management Plan (Maintenance of open space, child playspace, operation and publicly accessible hours, and details of 24/7 concierge and monitored CCTV)
6. Details of replacement trees, existing tree protection, assessment of amenity value of trees to be replaced, and associated mitigation
7. Construction Environment Management Plan
8. Waste Management Strategy (detailing storage & collection of waste and recycling).
9. Air Quality Management Plan
10. Archaeology mitigation in accordance with a Written Scheme of Investigation
11. Thames water (drainage, waste water, and infrastructure capacity statement)
12. Thames water (piling method statement)
13. National Grid (safety and integrity of apparatus statement)
14. Biodiversity mitigation measures (brown and green roofs)
15. Cycle storage details
16. Noise insulation and ventilation measures (consult LBTH Environmental Health)
17. Detail of plant extract equipment (for A3/A5 uses)
18. Delivery and Servicing Plan
19. S278 agreement required

### 'Prior to Occupation' Conditions:

20. Approval of hours of Operation for non-residential uses

21. Shop front and signage detail

3.6 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

### 3.7 **Informatives:**

- Thames Water Advice
- London City Airport Advice
- Operational substation on site

3.8 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

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

## 4.0 **INTRODUCTION**

4.1 This case was initially presented to the Strategic Development Committee on the 8<sup>th</sup> November 2012 but following detailed questioning from Members, the item was withdrawn from the Agenda with the intention to re-submit the report at a later date. Since that time, your officers have been in detailed discussions with the applicant on a number of related planning matters and this report not only comprehensively covers the material planning considerations associated with this case, but also deals specifically with the issues and questions raised by Members when it was last presented to the Strategic Development Committee.

## 5. **PROPOSAL AND LOCATION DETAILS**

### **Site and Surroundings**

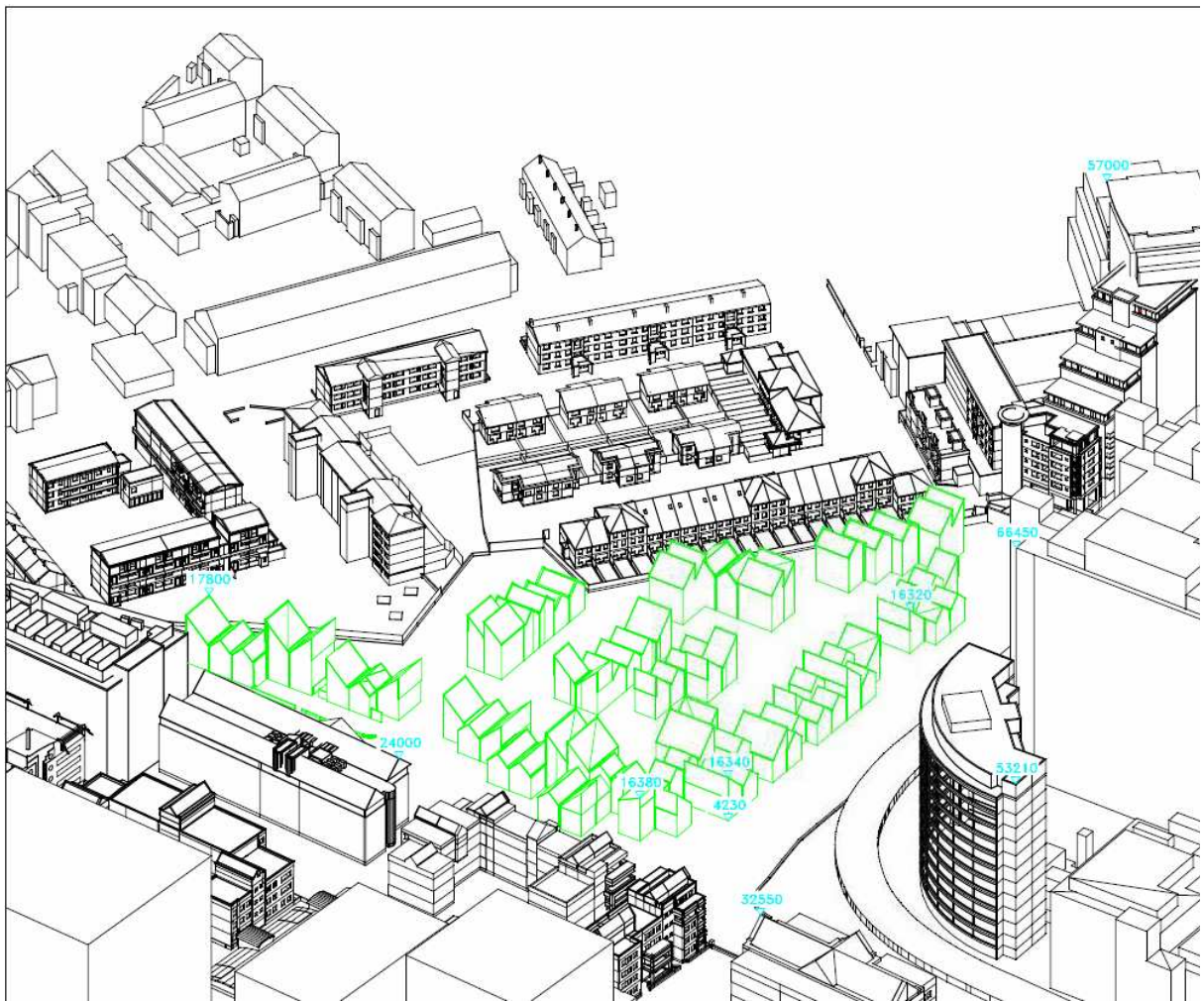
5.1 The application site is a triangular piece of land, approximately 1.44 hectares in area, presently occupied by "Skylines Village" which comprises 59 small business units of 2 to 4 storeys with associated ground floor car parking and pedestrian and vehicular circulation space and incidental landscaped areas. The site includes a vegetated bank which presents a significant level drop to residential properties to the south-east, fronting Aste Street.

5.2 The site is bounded to the north by Marsh Wall and by Limeharbour to the west, beyond which are situated medium-rise commercial buildings such as Harbour Exchange Square to the west and Meridian Gate and the Angel House to the north, fronting Marsh Wall. The site is bounded onto both Limeharbour and Marsh Wall, by a row of semi mature trees, adjacent to the back edge of footway.

5.3 To the south of the site is Limeharbour Court and the ASDA superstore. ASDA is a constituent part of the allocated Crossharbour District Centre. Limehouse Court is 17 storeys at its maximum height and consists of 213 residential units. The Council's Strategic Development Committee of 27<sup>th</sup> September 2012 resolved to grant planning permission for the redevelopment of the ASDA superstore site, which comprised demolition of existing supermarket and a comprehensive redevelopment of the site for mixed-use purposes to provide up to 30,445sq.m (GEA) of floor space (Use class A1 – A4, B1, D1-D2) and up to

850 residential units, including building heights of up to 23 storeys.

5.4 The application site lies 200 metres to the east of South Quay DLR station, which was modified/relocated around 3 years ago to accommodate the three-car upgrade. Crossharbour DLR station is located 250 metres to the south of the site, whilst Canary Wharf Underground Station is located 600 metres to the northeast. Five bus routes can be accessed within 300 metres of the site (Routes 135, D3, D6, D7 and D8). Consequently, the site's Public Transport Accessibility Level (PTAL) is 4; in other words "Good". It is likely that the PTAL level will improve over the next few years as Crossrail comes on line and public transport improves alongside the implementation of future development proposals.



**Figure 1: The application site (as existing)**

### **Proposal**

5.5 The application proposes the demolition of the 59 existing small business units and the erection of buildings ranging from 2 to 50 storeys, comprising of the following:

- 764 residential units (Use Class C3);
- 1,982 sq.m (GIA) of retail floor space (Use Class B1/A1 - A5);
- 4,480 sq.m (GIA) of office floor space, including a business centre (Use Class B1)
- 2,250sq.m (GIA) of community floor space (Use Class D1);
- A double/two-level basement containing associated car parking spaces, motorcycle spaces, cycle parking, associated plant, storage and refuse facilities.



- 5.6 The proposal is based on principles of delivering a strong and active frontage to Limeharbour and Marsh Wall, minimising building footprints and giving more space to landscape, allowing the creation of a large south facing public and semi-private open space. This is illustrated in Figure 2 and 3 below.
- 5.7 The proposal incorporates blocks along both Marsh Wall and Limeharbour with a proposed public square proposed at the junction of these two roads. The distribution of uses within each building is set out below and illustrated in Figure 2
- Block A1 would rise to ten storeys in height with social target rented maisonettes (at ground and first floors) fronting onto the proposed internal open space. Flexible use of floorspace fronting onto Limeharbour would comprise flexible Class A type uses (retail, restaurants etc) as well as B1 business accommodation. The upper floors would comprise social target rented apartments.
  - Block A2 would rise to sixteen storeys with social target rented maisonettes fronting onto the proposed internal open space. Again, the ground floor accommodation fronting onto Limeharbour would comprise flexible Class A and B1 uses with 74 intermediate residential apartments above.
  - Block B would rise to twenty seven storeys would provide two floors of flexible Class A and B1 uses (at ground and first floor), six floors (second to seventh floor) of community orientated floorspace (2,557 sq.m - Class D1) with the remaining floors comprising 107 social target rented apartments.
  - Block B1 is proposed to be the tallest built element on the site and would rise to fifty storeys in height (167metres AOD) and would include a three storey podium element which would provide space for two flexible retail/office units at ground floor level with business accommodation proposed at first and second floor levels. It is intended that this business floorspace (in the form of a quasi-business centre) would be specifically designed to be attractive to small business enterprise and business start-ups. The upper floors of this proposed built element would comprise 332 residential units for sale.
  - Blocks C1, C2, and C3 would rise to twenty-four, eighteen and nine storeys respectively and collectively, would provide flexible Class A and B1 uses at ground floor level and Class B1 uses at first and second floor of Building C1 and 204 residential apartments for sale.
- 5.8 The triangular form of the site at the corner of Marsh Wall and Limeharbour encourages the development of buildings running along Marsh Wall and Limeharbour, creating active frontages to these two main thoroughfares and creating space for the provision of a new open space within the site. A new public square is also located at the junction of the two highways, creating separation as part of the overall built form, a significant area of public realm and helps draw pedestrians into the interior of the site. All buildings would have a significant set back from the street edges, to provide widened pavements along both Limeharbour and Marsh Wall.
- 5.9 The tallest built element is proposed to be linked to the remaining buildings fronting onto Marsh Wall by the proposed three storey podium (with the second floor set back from Marsh Wall. The linked podium would act as a visual break in the Marsh Wall built frontage, with the reduced height to Blocks C1, C2 and C3, seeking to relate to the overall scale of developments to the east and on the opposite side of Marsh Wall. The Marsh Wall buildings would be stepped and staggered to respect potential development parcels that might come forward on neighbouring sites. As Members may be aware, the Council has received an outline planning application for the redevelopment of Angel House, situated on the opposite side of Marsh Wall.

- 5.10 The new landscaped spaces would include a public square with three routes (publically accessible at certain times of the day) leading to the internal open space/communal open space areas, private amenity spaces and child play space provision, along with a possible connecting route through to Aste Street and/or Chipka Street. The routes through the site would be active spaces for both the residents and visitor day-users of the site.
- 5.11 The 764 residential units would provide a mixture of one to five bedroom apartments, 35.7% of which (by habitable room) would be allocated as affordable housing.
- 5.12 The proposal would provide a total of 189 car parking spaces (a ratio of 0.25 per residential unit) of which 19 spaces would be available for disabled users. 32 motorcycle spaces and 1,060 cycle parking spaces would also be provided within the proposed basement accommodation.

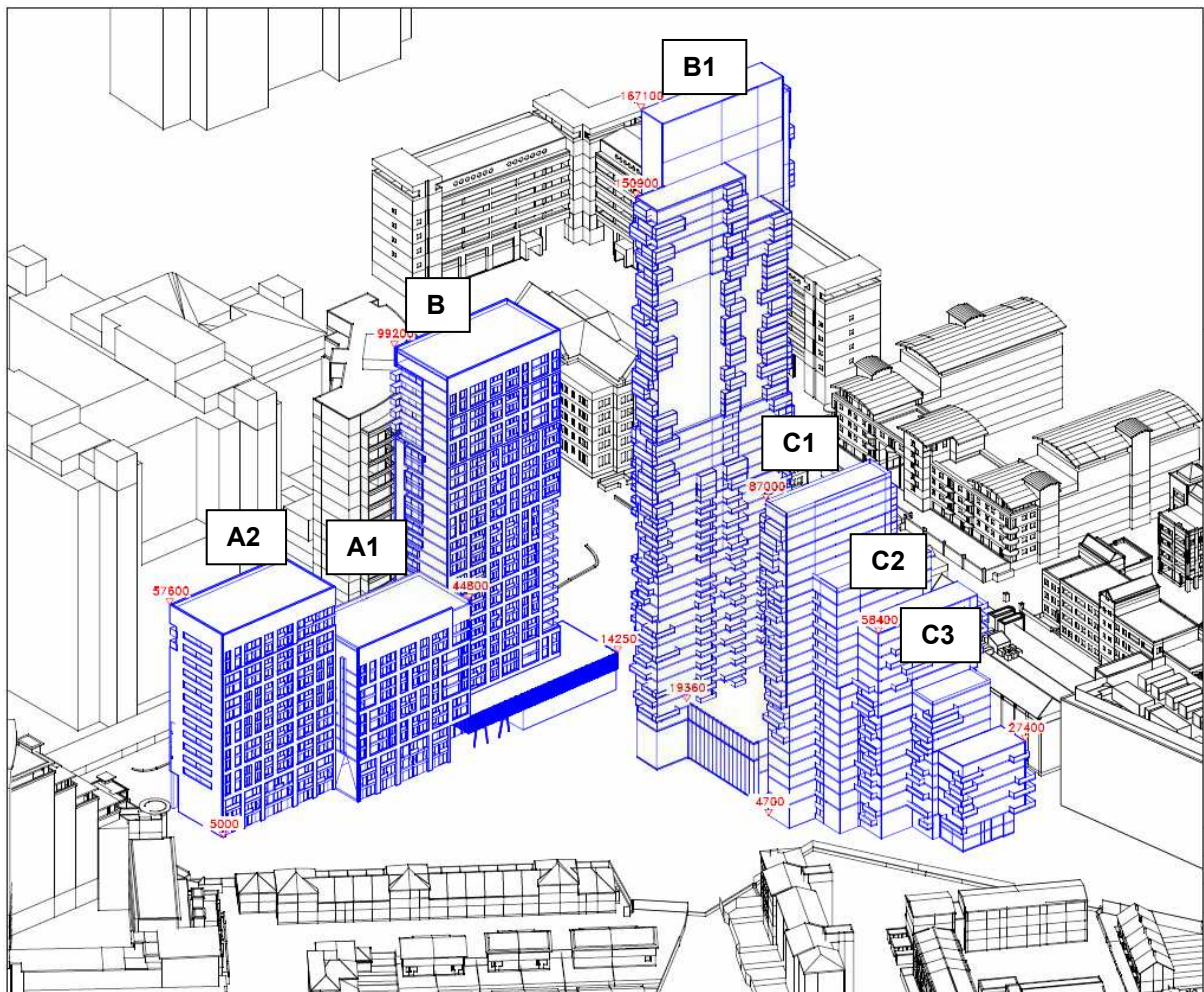
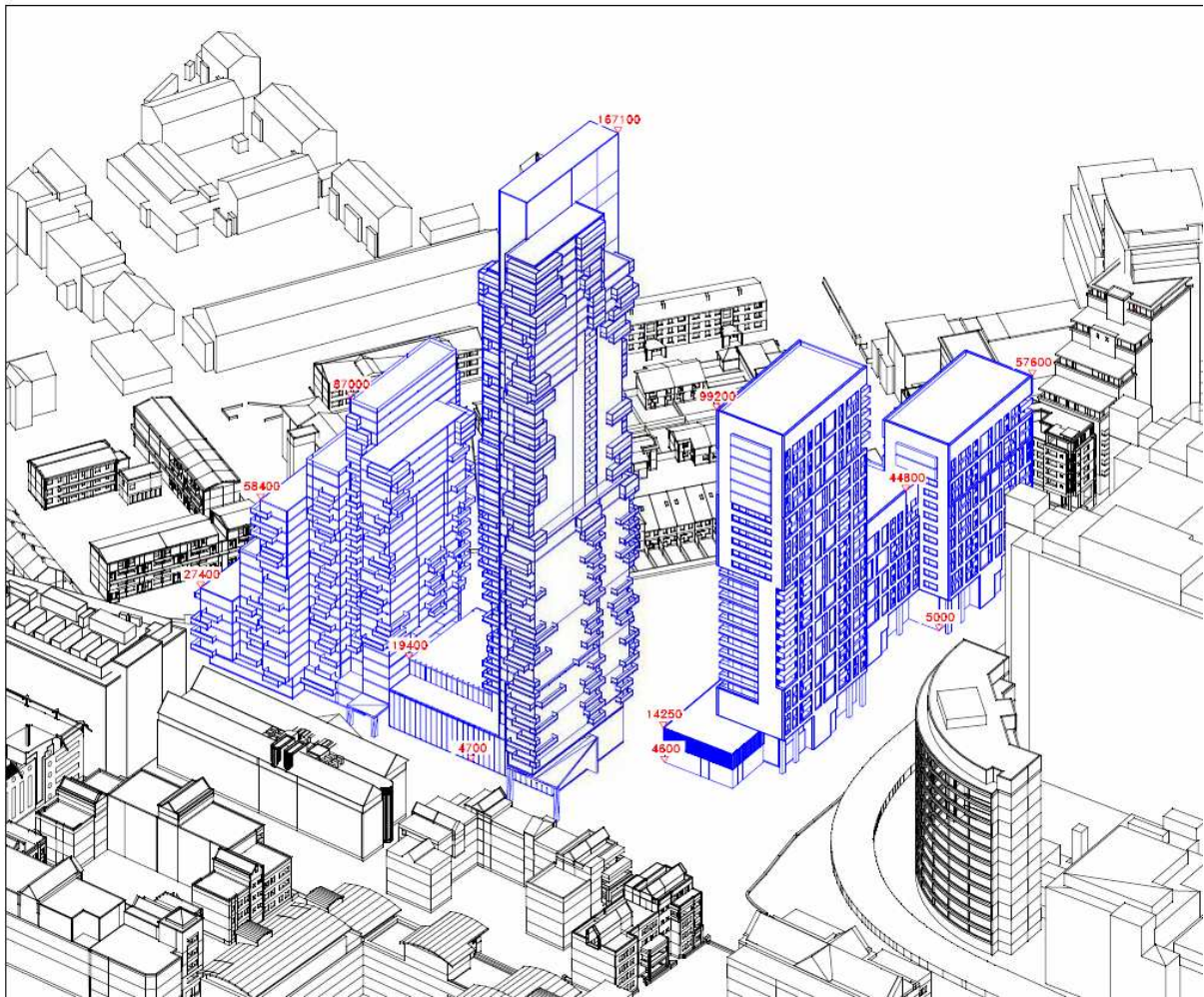


Figure 2: Massing as viewed from the south-east



**Figure 3: Massing as viewed from north-west**

## Relevant Planning History

### Application Site

- 5.13 There have been a number of small scaled changes of use consents over the years covering the Skylines Village complex, but none of these have any significance to the current application.
- 5.14 More recently, a planning application was submitted to the Council on 28 January 2010 (LBTH Ref PA/10/00182) for the demolition of all existing buildings within the Skylines Village site and the erection of six buildings with heights varying from 2 to 50 storeys and comprising the following:
- 806 residential units;
  - 123-bedroom hotel;
  - 2,020sqm, of Flexible retail, restaurant and office floor space;
  - 6,900sqm business centre providing flexible office floor space;
  - 5,575sqm crèche and school capable of accommodating 584 pupils together with a 1,765sqm associated sports hall;
  - 1,075 sqm community centre; and
  - A two-level basement containing 220 vehicular parking spaces, associated plant, storage and refuse facilities.

5.15 The application also proposed new public open space, associated hard and soft landscaping and the creation of a servicing and taxi parking bay on Marsh Wall and a vehicular site entrance from Limeharbour.

5.16 The application was refused under delegated powers on 16th December 2010 for the following reasons):

- Excessive height, scale and mass and poor quality design would appear out of character with the surrounding area and existing urban form and would significantly impact on the ability of adjoining sites to deliver sustainable residential development within the Isle of Dogs Opportunity Area;
- An unacceptable amount of affordable housing and mix of units with the lack of a section 106 agreement failing to mitigate the impact of the development;
- An inadequate quantum of private amenity space;
- Impacts in terms of loss of privacy, increased overlooking, loss of sunlight and daylight and unacceptable noise upon future and existing residents;
- The scheme would impede the effective formulation and implementation of the emerging Marsh Wall East Masterplan Supplementary Planning Guidance;
- Unacceptable traffic, highway safety and parking impacts
- The Environmental Statement was considered to provide insufficient information and was therefore deemed incomplete.

#### Adjoining Sites

5.17 As highlighted above, the Council has received an application for outline planning permission (LBTH Ref: PA/12/02414) in respect of Angel House, 225 Marsh Wall, located directly to the north of the Skylines Village site on the opposite side of Marsh Wall. This planning application is pending determination and was submitted on 1<sup>st</sup> October 2012. The application proposes the demolition of the existing Angel House building and the erection of a building of 47 storeys in height with an 11 storey podium, comprising the following:

- 249 residential units (Use Class C3);
- 554 sqm (GIA) of retail floor space (Use Class A1);
- 1,863 sqm (GIA) of office floor space, including a business centre (Use Class B1)
- 155 bedroom hotel, 6,695 sqm GIA (Use Class C1);
- 10 disabled car parking spaces, cycle parking, associated plant, storage and refuse facilities
- Public open space.

## **6. POLICY FRAMEWORK**

6.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

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

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations

DEV8	Protection of Local Views
DEV9	Control of Minor Works
DEV12	Provision Of Landscaping in Development
DEV15	Tree Retention
DEV17	Siting and Design of Street Furniture
DEV43	Archaeology
DEV44	Preservation of Archaeological Remains
DEV50	Noise
DEV51	Contaminated Soil
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Nature Conservation and Ecology
DEV63	Green Chains
DEV69	Efficient Use of Water
EMP1	Promoting Economic Growth & Employment Opportunities
EMP3	Change of use of office floorspace
EMP6	Employing Local People
EMP7	Enhancing the Work Environment & Employment Issues
EMP8	Encouraging Small Business Growth
EMP10	Development Elsewhere in the Borough
HSG4	Loss of Housing
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG15	Residential Amenity
HSG16	Housing Amenity Space
T3	Extension of Bus Services
T7	Road Hierarchy
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S4	Local Shopping Parades
S10	Shopfronts
OSN3	Blue Ribbon Network
OS9	Children's Playspace
SCF8	Encouraging Shared Use of Community Facilities
SCF11	Meeting Places
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

**Interim Planning Guidance (2007) for the purposes of Development Control (IPG)**

Proposals:	ID46	Development Site ID46 (Residential, Employment, Public Open Space, Retail and Leisure) Flood Risk Zone 2 and 3
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction

DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE1	Industrial Land Adjoining Industrial Land
EE2	Redevelopment/Change of Use of Employment Sites
RT3	Shopping Provision Outside of Town Centres
RT4	Shopping Provision Outside of Town Centres
HSG1	Determining Housing Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
CON5	Protection and Management of Important Views

#### **Isle of Dogs**

##### **AAP Policies:**

IOD1	Spatial Strategy
IOD2	Transport and Movement
IOD3	Health Provision
IOD4	Education Provision
IOD5	Public Open Space
IOD6	Water Space
IOD7	Flooding
IOD8	Infrastructure Capacity
IOD18	Employment Uses in the Central Sub-Area
IOD19	Residential Uses in the Central Sub-Area
IOD20	Retail and Leisure Uses in the Central Sub-Area
IOD21	Design and Built Form in the Central Sub-Area
IOD22	Site Allocations in the Central Sub-Area

#### **Core Strategy Development Plan Document 2010 (CS)**

Policies:	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
Annexe 9:		Cubitt Town Vision, Priorities and Principles

#### **Managing Development Plan Document (Submission Version May 2012) with Modifications (MD DPD)**

Allocations:	20	Marsh Wall East
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Proposals:

Policies:	DM2	Protecting Local Shops
	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
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	World Heritage Sites
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land

**Supplementary Planning Guidance/Documents**

Planning Obligations SPD 2012

**Spatial Development Strategy for Greater London (London Plan 2011)**

- 2.1 London
- 2.9 Inner London
- 2.10 Central Area Zone
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town Centres
- 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 Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals

- 5.7 Renewable Energy
- 5.9 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
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and Access to Nature

#### **London Plan Supplementary Planning Guidance/Documents**

- London Housing Design Guide 2010
- London View Management Framework 2012
- Land for Transport Functions 2007
- East London Green Grid Framework 2008
- Sustainable Design & Construction 2006
- Accessible London: Achieving an Inclusive Environment 2004
- Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012
- All London Green Grid 2012
- Housing 2012
- London World Heritage Sites – Guidance on Settings 2012

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

- The National Planning Policy Framework 2012 (NPPF)

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

- 6.2 As Members will be aware, the Council has received the Planning Inspector's Report in respect of the Development Management DPD, following on from the Examination in Public which took place between 18<sup>th</sup> and 21<sup>st</sup> November 2013. This represents a material planning consideration that needs to be taken into account when determining planning applications. The Inspectors Report comments specifically on the Council's emerging affordable housing



policy (Policy DM3), the emerging policy that deals with tall buildings and building heights generally across the Borough (Policy DM26) and site allocations which propose further educational infrastructure (in particular the site allocation for the Westferry Printworks site). Significantly, the Inspectors Report is generally silent on the Council's proposals for the area known as Marsh Wall East (Site Allocation 20) which includes the Skylines Village site. The Marsh Wall East allocation seeks to deliver over 3,000 new net additional homes within the plan period.

## **7. CONSULTATION RESPONSE**

7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:

7.2 The following were consulted and made comments regarding the application:

### **LBTH Inclusive Access**

7.3 Following the confirmation of 10% wheelchair residential units, 10% of parking bays to be wheelchair accessible, lighting, street furniture, accessible cycle parking, inclusive play, surface treatments and gradients, fire escape and lifetime homes criteria, the proposal is considered acceptable in accessibility terms, subject to conditions.

(OFFICER COMMENT: Conditions have been attached to secure further details of the above, as well as a compliance condition for the provision of a minimum of 10% wheelchair housing and parking bays)

### **LBTH Environmental Health**

7.4 Contaminated Land

LBTH Environmental Health has requested the inclusion of conditions relating to site investigation to investigate and identify potential contamination.

#### Noise

Significant policy changes have occurred since the original application including the withdrawal of PPG24 and the implementation of the Noise Policy Statement for England (NPSE). Whilst the development will be exposed to a significant amount of external noise from local railway, aircraft and road traffic, these have now been adequately addressed by the applicant with community spaces, producing noise breaks. The building should now be able to meet the requirements of BS8233 "good internal noise design standard". Conditions though should be imposed to require reasonable levels of noise insulation, including glazing and adequate acoustic ventilation to meet our requirements for a good internal living standard.

(OFFICER COMMENT: Following further discussions the Council's Environmental Health has confirmed there are no objections subject to appropriately worded conditions.

### **LBTH Communities Leisure and Culture**

7.5 Cultural Services consider that there will be an increase in permanent population generated by the development which will increase demand on community, cultural and leisure facilities. Therefore, a request has been made for financial contributions towards:

- Leisure.
- Open space.
- Library/Idea Store Facilities

(OFFICER COMMENT: Planning obligations have been negotiated in response to these requests).

### **LBTH Energy Efficiency**

#### 7.6 Energy

The information provided in the energy strategy is in accordance with adopted climate change policies and follows the revised “Energy Hierarchy”. The scheme proposes BREEAM ‘Excellent’ and Code for Sustainable Homes Level 4. The proposed energy strategy exceeds the requirements of DM DPD Policy DM29. An appropriately worded planning condition should be applied to ensure the detailed energy strategy and sustainability strategy is adhered to.

(OFFICER COMMENT: Conditions have been attached as requested).

### **LBTH Highways**

7.7 The applicants submitted a Transport Assessment as part of their proposals, which was assessed by the Council’s Highways Section. Further information and amendments were requested.

- Highways will require a s278 agreement to reinstate/redesign the highways and access and planning obligations designed to improve the public realm, cycle route connectivity and the junction of Limeharbour and Marsh Wall,
- A modest commuted sum to improve Preston’s Road roundabout. The cumulative impact of this and other committed and proposed large schemes in the area will impact negatively on the capacity of both of these;
- The increased permeability through the site provided for pedestrians and cyclists is welcomed;
- Concerned about the potential impact on on-street parking of the 82x3 bed+ flats in view of the Permit Transfer Scheme;
- The proposed layby off Limeharbour is off the public highway as an in-out arrangement, which is acceptable provided this can be kept under surveillance to prevent non-delivery drivers using this private bay.
- The level of on-site parking is acceptable, subject to a substantial number of spaces in the basement being allocated to those who qualify for the Permit Transfer Scheme. Limeharbour has a day-time occupancy figure over the parking stress threshold (80%).

The following non-financial obligations should also be secured:

1. Permit free agreement
2. All highways works to be undertaken by the Council at the applicant’s cost

#### Conditions & Informatives

The following conditions should be imposed upon any planning permission:

- Section 278 Highways Agreement
- No blocking of footway and carriageway during construction
- Provision of car parking spaces specifically for those who qualify for the Councils ‘Permit Transfer Scheme’.

(OFFICER COMMENT: Highways and transportation matters are discussed within the Material Planning Considerations section of the report. The requested planning obligations and conditions/informatives have also been recommended, as detailed within section 3 of

this report).

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

- 7.8 Statement required stating how refuse will be moved to ground floor level.

(OFFICER COMMENT: This has been discussed with the applicant and your officers are satisfied that this could be satisfactorily dealt with as part of a condition requiring an Estate Management Plan which will specifically deal with refuse storage and collection arrangements).

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

- 7.9 PCT have confirmed the HUDU model requires:

A Capital Planning Contribution	£1,071,696
A Revenue Planning Contribution	£4,097,632

(OFFICER COMMENT: Planning obligations have been negotiated which meets the request for capital contributions).

### **Canal and River Trust**

- 7.10 The Canal and River Trust support the comprehensive master-planning process for the area and hope development of this site will be considered as part of this area, despite the early stages of the strategy. Planning contributions are requested for off-site enhancement of the waterspaces and docks.

(OFFICER COMMENT: Planning contributions for off-site enhancements of waterspaces and docks are not required to mitigate the impact of the proposed development and have not been included in the proposed heads of terms).

### **English Heritage**

- 7.11 The proposed development is located to the south of the main cluster, approximately 1.5km from the boundary of the World Heritage Site (WHS). The proposed development by virtue of its scale and distinctive massing forms a noticeable part of the wider setting, particularly in the important view from the General Wolfe statue.

Whilst the view from the General Wolfe has been subject to much change, particularly in the last twenty years, it has to date retained some sense of order with the tallest towers located at the northern end of the Isle of Dogs and some lower towers located slightly further south in developments centred around the Millennium Quarter. The clear recessive planes, the impressive Palace complex, the trees of Island Gardens, followed by low rise buildings, beyond which rise the towers are important characteristics. The visual layers of development instil a degree of visual order and importantly, the distance serves to reduce the impact of the tall buildings.

(OFFICER COMMENT: The heritage impacts of the proposal are discussed in greater detail below, within the material planning considerations section of this report. In summary, it is considered that sufficient detail has been submitted and assessed through the applicant's Environmental Statement, to allow full consideration of the visual and heritage impacts of the proposal).

### **Environment Agency**

- 7.12 The Environment Agency has no objections, subject to the imposition of the following conditions:

- Development to be carried out in accordance with the submitted Flood Risk Assessment
- Contamination and verification reports to be approved prior to commencement/occupation
- No commencement of development until such time as a scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels has been approved
- No commencement of development until such time as the submission of a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development have been submitted and approved
- No infiltration of surface water drainage into the ground

(OFFICER COMMENT: The requested conditions have been attached as detailed above in section 3 of this report)

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

7.13 In summary, the GLA advised that the proposal (as originally submitted) did not comply with the London Plan, but that there were possible remedies. In particular, the GLA made the following comments:

- Design – concerns around layout, height and massing, particularly the height difference between southern 20 storey block and existing residential properties to the south;
- Additional information required around density, access, affordable housing (linked to a viability assessment), provision of child playspace (double counting), climate change and transport;
- The principle of residential led mixed-use development in the Isle of Dogs Opportunity Area is in the interest of good strategic planning in London;
- The proposed residential density exceeds the London Plan guidance of 650-1,100 HR/ha.

(OFFICER COMMENT: Revisions have been made to the scheme to address the GLA's concerns above, in particular a reduction in the height of the southern Blocks A1 and A2. Similarly, there has been much discussion with the applicant on the levels and form of affordable housing proposed, the calculation of child play space alongside other forms of amenity space provision and the proposed density of the development and its ability and capacity to contribute towards the delivery of infrastructure improvements in order to mitigate its impact. The GLA has declined to make any further comments on the revised proposals until referral of the application at Stage II.

7.14 Following receipt of amended drawings in July 2012 and subsequent discussions with your officers and with the applicant, the GLA have recently forwarded updated comments on this proposed development. The following updated comments have been received:

- Density: Using a plot ratio approach to density, the ratio would be 5.6:1. The London Plan density guidelines suggest a plot ratio of 5:1 in Central London and other accessible areas may be acceptable – taking into account the high residential quality.
- Design: Satisfied that previous issues associated with the relationship between the proposed ground level residential units and the courtyards have been mostly resolved by ensuring that primary entrances from the courtyard. This will ensure this courtyard side of the scheme is to be used as the main entrance, ensuring the courtyard space is better used. Changes to the height and massing are subtle and does not deal with the issue raised about the dramatic and abrupt difference in height between the site and the two storey terraces to the south and is likely to create a development which is alienating to neighbouring residents. However, considering the changing context of the area, the changes made to the scheme and the information submitted may be acceptable. The further note refers back to the Stage 1 comments which the GLA have requested should be borne in mind.

- Playspace: The note raises no objection to the provision of on-site play space, and accepts that space for older children can be provided off site in a nearby open space – with contributions made for its improvement.
- Affordable Housing: The GLA have raised various questions in respect of the form of affordable housing proposed and whether a social target rented option applies to all unit sizes. The GLA has advised that social target rent would not be acceptable. The GLA would need to know the final viability position and be forwarded a copy of the independent review.
- Climate Change Mitigation: The applicant should provide further details as to where the energy plant would be sited and its size etc – assuming that the scheme would be unable to connect to the Barkantine Heat n Power Network. The GLA has also requested further details as to the location of the proposed PVs.
- Transport: Remain of the view that contributions should be provided for South Quay DLR station and Legible London
- Social Infrastructure: Whilst the allocation of private sites for schools is noted, further discussions in respect of delivery will be needed prior to Stage II.

### **London City Airport**

- 7.15 London City Airport have withdrawn their previous objection and make the following comments:

No safeguarding objection subject to conditions to ensure safe construction methods and ensuring landscape details discourage bird activity which presents an aircraft strike risk.

(OFFICER COMMENT: Appropriately worded conditions have been included with Section 3 of this report).

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

- 7.16 Unable to make any meaningful observations as there is no detailed ground floor plan showing road access around and within the site, hydrant provision as provided on the roads adjoining the site and main entry points to the proposed buildings

(OFFICER COMMENT This response refers to detailed and layout considerations that are generally addressed during later stages of the schemes evolution. There is no reason why these issues cannot be suitably resolved at a later stage, prior to commencement of development and controlled through the imposition of a planning condition – which has been referred to in Section 3 of this Report.

### **London Underground Ltd**

- 7.17 No comments received.

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

- 7.18 No objections.

### **Natural England**

- 7.19 Natural England considers that both brown and green roofs should be incorporated in order to provide habitat for Black Redstarts. Also they recommend the imposition of the following conditions

- § Methods to improve the surrounding landscape ecology; and
- § Any trees to be felled are surveyed for their potential to support bats, a European

Protected Species.

(OFFICER COMMENT These request will be captured through the imposition of suitably worded planning conditions)

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

### **7.20 Trip generation and Highway Impact**

TfL are satisfied with the discussions that have taken place between Tower Hamlets and the developer to determine the improvements along the Marsh Wall corridor and design of the junctions.

#### *Buses*

TfL welcome the total contribution of £224,700 to be secured through the S106 agreement.

#### *DLR*

TfL have requested a contribution of £250,000 towards two additional lifts at South Quay station.

TfL accept the proposed real time information boards, providing timetabled information for a number of different modes. However, it is a requirement that DLR information must be included and this is to be confirmed through S106.

In relation to the DLR Radio Communications, TfL request that a S106 planning obligation should be secured to allow before and after tests of signal strengths. This will allow TfL to assess the level of mitigation required if required.

#### *Pedestrian Crossing*

TfL support the plans for the pedestrian crossing and the proposed junction layout.

#### *PERS*

If the public realm improvements are to include removal of the guard railing on the section of the footway on the south side of Marsh Wall between South Quay DLR station and the Bus Stop 'SH', TfL recommend that bollards are installed for the section, currently the railings prevent any vehicles driving onto the station forecourt.

#### *Legible London*

TfL consider the contribution of £15,000 towards Legible London way-finders should be required. Other developments of a similar scale in the area have contributed the same amount and therefore TfL regard £15,000 to be reasonable contribution from this development.

#### *Parking*

TfL understands the parking ratio and is satisfied with these figures. TfL welcome the permit parking suggested, which should be secured through a S106 Agreement.

#### *Crossrail/CIL*

Contributions are applicable.

#### *Summary*

Overall TfL has no significant objections to the principle of the proposed development. However, TfL request contributions for improvements to South Quay Station and Legible London to be confirmed.

(OFFICER COMMENT: All requests for planning contributions from TfL have been met by the developer, either in kind or through a financial contribution, with the exception of a financial contribution towards additional lifts at South Quay DLR station which is not

considered to be necessary to mitigate the impact of this development)

### **Design Council/CABE**

7.21 Design Council/CABE made the following comments – on the proposal as initially submitted:

- § Currently the landscape design appears non-specific and disconnected from the architecture surrounding it and it is suggested that the team explore a design approach that relates both to the order of the buildings and the triangular space. The proposed diagonal route through the site demands an equally considered approach to find a balance between the public and private zones.
- § Commend the striated organisation of the building and support their height and composition – but much depends upon their relationship with the landscape. In our view, the proposed elevational treatment seems to relate to its context and we think they have the potential to form a successful ensemble.
- § Welcomes the comprehensive approach to environmental sustainability and the site would need to ensure that all options are explored to ensure that the site links into local heating networks.

OFFICER COMMENT – Following receipt of these comments, the landscape strategy for the site (particularly the function and form of the internal open spaces and play space) was further considered. There is now a much more legible and clearer approach being adopted in terms of the allocation of the open spaces as part of the development of the spaces.

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

7.22 No comments received.

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

7.23 No comments received

### **Association of Island Communities**

7.24 No comments received.

### **London Borough of Greenwich**

7.25 No objections raised.

### **London Wildlife Trust**

7.26 No comments received.

### **Metropolitan Police**

7.27 The Police are pleased to see that there is a will to ensure that this development remains secure and that there will be two sets of security doors for access/egress from the buildings. There are many very good points to this proposal.

There are concerns regarding the 'undercroft areas' which offer access to the development from Marsh Wall and Limeharbour. Based on discussions between the Police, the applicant and officers on estate management arrangements, the Police believe that the development shall be successful, provided the appropriate management regime is in place (a 24/7 concierge system, CCTV monitoring and a robust plan for dealing with any individuals or groups who start to use the open access space within the undercroft and across the development as a whole for undesirable activities).

(OFFICER COMMENT: Pre-commencement conditions are recommended to ensure that a Management Plan, CCTV and 24/7 concierge are put in place and the Police are consulted on these proposed arrangements.

### **National Grid**

- 7.28 The letter received from National Grid (dated 24th April 2012 and 13<sup>th</sup> August 2012) provided general advice to the applicants on the presence of National Grid apparatus (low to medium sized gas pipes and above ground gas sites and equipment). National Grid's response provides advice to landowners and developers on carrying out due diligence to ensure that works do not infringe National Grid's legal rights and that any contractor working or operating near National Grid apparatus follow the HSE Guidance Notes HSG47 "Avoiding danger from Underground Services" and GS6 "Avoid danger from overhead power lines".

(OFFICER COMMENT: The applicant has forwarded additional information which provides officers with assurances that National Grid's apparatus will not be compromised. This additional information has been forwarded to National Grid (emailed on 21 December 2012) and any further comments will be reported in an Update Report. In any case, a pre-commencement condition has been recommended in order to ensure that National Grid installations are accommodated as part of future engagement.

### **Port of London Authority**

- 7.29 No objections raised.

### **EDF Energy**

- 7.30 No comments received.

### **Thames Water**

- 7.31 Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of the application. Should the local planning authority look to approve the application, Thames Water would like the following Grampian Style condition imposed ensuring that development is not commenced until a drainage strategy is in place in consultation with Thames Water. The letter also requires the imposition of conditions relating to existing water infrastructure and the strategies that would need to be in place to determine the magnitude of any additional capacity. Further the letter refers to a requirement for a piling method statement with measures put in place to prevent and minimise the potential for damage of the subsurface.

(OFFICER COMMENT: The requested conditions have been attached as well as an informative relating to the drainage strategy)

## **8. LOCAL REPRESENTATION**

- 8.1 A total of 2,699 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. This was done twice, in March 2012 and July 2012, following an number of scheme amendments.
- 8.2 The number of representations received from neighbours and local groups in response to notification and publicity of the application as submitted and amended were as follows:

No of individual responses: 29      Objecting: 28      Supporting: 0      Neither: 1



No of petitions received: None

8.3 The following local groups/societies made representations following an organised consultation event at the St John's Community Centre on Monday 15<sup>th</sup> October 2012 at 7:30pm:

St Johns Tenants and Residents Association (there were approximately ten attendees)

The main points raised were:

- A 50 storey tower is too tall for the site
- Scheme overlooks residents properties
- Lack of infrastructure on the Isle of Dogs, such as school places, medical centres.
- Social housing for rent is falling short of 24,000 homes needed.
- Object to DLR receiving s106 money for South Quay DLR Station as it is a new building
- Request that St John's TRA is involved in community space.
- Green space to provide buffer between properties to the south.

(OFFICER COMMENT: The first three points raised are dealt with in the report and repeat objections in the table below. The planning obligations secured have been subject to an independent viability assessment and officers are content that the provision of social target rented housing has been maximised in line with policy. A financial contribution towards new lifts at South Quay DLR is not being sought. A green buffer is proposed directly at the back of properties with outlook onto the site.

8.4 Discussions are on-going with the applicant about how the local community can be involved in the future use of the proposed community space and open space.

8.5 Two of the letters that have been received are from agents acting on behalf of neighbouring land owners. Both letters raise concern, albeit in relation to separate sites (Angel House on the north side of Marsh Wall and "The Triangle site" to the west of the application site on the south side of Marsh Wall) over daylighting and sunlighting impacts and how the proposed development might blight future redevelopment of these neighbouring sites. It should be noted that the letter commenting on the Angel House site was submitted prior to the submission of the current outline planning application in respect of Angel House and officers have not received any further comments from these two landowners, following the re-consultation on the current application which took place in July 2012.

(OFFICER COMMENT: These letters pre-dated amendments to the schemes which sought to deal with a number of issues (including daylight and sunlight) and Section 9 (paragraphs 9.153 to 9.155) below provides more detailed commentary on daylight and sunlight indicators.

Objection Issues	Number of representations citing objection issue.	
	Submitted scheme (March 12)	Amended scheme (July 12)
1. Local services (GP surgeries, schools, nurseries and dentists) cannot support the level of development proposed.	11	6
2. The development is excessively tall / overbearing	6	4
3. The proposals will result in negative daylight/sunlight, overshadowing and microclimate impacts.	4	1

4. The proposal is excessively dense and will result in overcrowding.	2	4
5. Existing businesses do not want to move / protect existing SME space / health and well-being of existing employees.	2	2
6. Additional office space is not required	2	0
7. The local transport network cannot support the proposed level of development.	2	3
8. Homes in Aste Street and Chipka Street will experience a loss of privacy and suffer worse security	2	0
9. The proposals will exacerbate high parking stress levels in the area	1	0
10. House prices in the area will fall as a result of the development	1	1
11. Safety concerns regarding the new public square	0	1
12. Insufficient open space provided	0	1
13. Proposals will blight neighbouring development sites.	2	0

## 9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by this application that the Committee are requested to consider are:

- General Principles.
- Design
- Housing
- Community Infrastructure
- Amenity
- Transport, Connectivity and Accessibility
- Energy and Sustainability (including biodiversity)
- Health Considerations
- Planning Obligations and CIL

### General Principles

9.2 At National level, the National Planning Policy Framework 2012 (NPPF) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets

9.3 At a strategic level, the site is identified in the London Plan (2011) as falling within the Isle of Dogs Opportunity Area (Policy 2.13) which seeks to optimise residential and non-residential output and is identified as being capable of delivering 10,000 new homes.

### 9.4 Land Use and Site Allocations

The Council's Core Strategy 2010, identifies Cubitt Town as an area where there will be residential led growth as part of mixed use development. CS policy SP12 and Annexe 9 "Delivering Placemaking" sets out the vision for Cubitt Town.

The Core Strategy Vision provides guiding principles including:

- New development focussed in the north of Cubitt Town;
- Housing types suitable for families promoted south of Cubitt Town and around Millwall Park;
- Development should protect the setting of Mudchute and Millwall Park and protect general views from these parks towards Canary Wharf;
- Development should provide a transition between higher rise commercial area to the north and low-rise residential to the south and east.

9.5 At a local level, the Skylines site falls within the Marsh Wall East site allocation within the Managing Development DPD (Submission Version May 2012) with Modifications. The vision for Marsh Wall East is to deliver comprehensive high-density mixed-use development. As such, the principle for a residential led development proposed at Skylines Village would accord with the site allocation objectives for this area.

9.6 The site allocation for Marsh Wall East in the Managing Development DPD (Submission Version May 2012) with Modifications considers that any development should:

- Complement the tall building cluster in Canary Wharf through appropriate taller building heights, whilst respecting and being informed by the existing character, scale, height, massing, views and urban grain of its dockside location and surrounding built environment, particularly the lower rise buildings of Cubitt Town to the south-east.
- Be developed as a series of tall and medium scale buildings with a well-articulated built form and skyline, avoiding significant adverse environmental impacts, including overshadowing of adjacent sites either within the area or outside, particularly along the main routes of Marsh Wall East and Limeharbour.
- Create a legible, permeable and well-defined movement network through the site centred on Millwall and Marsh Wall, connecting to the surrounding existing street network and docksides, with a new bridge crossing to the north.
- Tall buildings should be fully integrated with and facilitate delivery of the new public realm and be stepped back from the docksides to enable these areas to be enhanced by fully accessible active frontages. Be stepped back from the docksides to enable these areas to be enhanced by fully accessible active frontages.
- Create a series of inter-connected pocket parks and open spaces, to deliver new amenity space and the Green Grid route network in the area, particularly along the waterfronts of West India and Millwall Docks.
- Additionally, walking and cycling connections should be improved to, from and be created within the site, specifically to the dock sides, north to Canary Wharf Major Centre and Mudchute Park. These routes should align with the existing urban grain to support permeability and legibility.
- Protect and enhance the setting of all heritage assets in and around the area, including the historic docks and the setting of the Maritime Greenwich World Heritage Site to the south.
- Improve biodiversity and nature conservation along the water edges and within open spaces.
- Tall building developments will be required to demonstrate how they relate positively to other proposals for tall buildings and the surrounding townscape, in terms of immediate setting, relationship and cumulative impact.
- Development should seek to deliver over 3000 new net additional homes to help meet the housing target for the place of Millwall.
- In addition to the delivery of a district heating facility within the site, development should be connected to or demonstrate potential to connect to the Barkentine Energy Centre to help create a local energy network.
- Development should re-provide and intensify existing employment floorspace.

- Development should accord with any flood mitigation and adaptation measures stated within the Borough's Level 2 Strategic Flood Risk Assessment (2011) and the sequential test.
- 9.7 The application site is a designated development site (ID7) within the Interim Planning Guidance (2007). Although this document now carries little weight in planning decisions, it demonstrates that the Skylines Village site has been identified as capable of delivering planned housing growth in the borough for a number of years. Policy IOD22 within the IPG Isle of Dogs Area Action Plan states that site ID7 shall have preferred uses of residential (Use Class C3), employment (Use Class B1) and public open space.
- 9.8 The principle of the delivery of a residential-led mixed-use development is therefore supported at strategic and local level. With regard to the Core Strategy's vision for Cubitt Town, the 764 residential units as well as retail, business and community floorspace and new public open space, would meet these objectives.
- 9.9 Policy SP03 of the Core Strategy seeks the creation of "healthy and liveable" neighbourhoods. The proposal includes a new public square, new pedestrian links through to the communities to the south and new community orientated floorspace. The proposed community use is therefore considered to accord with Policy SP03, which encourages provision of "high quality social and community facilities".
- 9.10 In line with the Mayor of London's objectives for the Isle of Dogs Opportunity Area; alongside the vision and priorities of LAP 7 & 8 of the Council's adopted Core Strategy (2010) and the priorities of the Managing Development DPD (Submission Version May 2012) with Modifications the principle of major residential redevelopment along with supporting and ancillary uses such as retail and community uses is encouraged.
- 9.11 With the above in mind, the proposed development is considered to accord with the above policies which together seek to encourage residential led mixed use development.

#### Employment Uses

- 9.12 The existing site contains 59 small-scale business units. The application advises that the site (assuming full occupation) could employ an estimated 280 people. Utilising the former English Partnerships Employment Density Criteria, the proposed development could well lead to the creation of 430 new jobs (providing a net increase of 150 jobs) through the following elements of the scheme:
- 4,480sqm (GIA) business centre providing flexible business space for SMEs;
  - A total of 1,982sqm (GIA) of flexible retail/restaurant/office space for use classes A1-A5 and B1 at ground and first floor levels;
  - Community space of 2,250sqm (GIA) with the potential use as a youth club, GP surgery, dentist, nursery or other employment generating use.
- 9.13 UDP policy EMP3 considers the change of use and redevelopment of outmoded or surplus office floorspace. The following factors are taken into account by the Council:
- The length of time that surplus office floorspace has been vacant; and
  - The level of vacant floorspace and unimplemented planning permissions for office floorspace in the surrounding area.
- 9.14 Policy EE2 of IPG Core Strategy states that proposals that seek to reduce employment floor space may only be considered where inter alia, there is evidence that there is intensification of alternative employment uses on site.

- 9.15 Currently, there is approximately 8,969sq.m (GIA) of B1 office space within Skylines Village. The proposed scheme would provide 5,091sq.m (GIA) of dedicated replacement B1 office space but also 1,982sqm of flexible commercial space (use classes B1/ A1-A5). Whilst the scheme would result in (best case) a net loss of office floorspace of 1,893sqm, which assumes that all units identified for flexible use are used for business purposes, the scheme also proposes a significant community floorspace (Class D1) which would generate additional employment. This site is not located within a Preferred Office Location and it is important to recognise that employment can be generated by all commercial uses and is not necessarily limited to B1 uses.
- 9.16 Policy DM15 of the Managing Development DPD (Submission Version May 2012) with Modifications seeks to ensure that development should not result in the loss of active and viable employment uses.
- 9.17 However, there have been modifications proposed to this policy by the Planning Inspector who presided over the DM DPD Examination in Public, which recommended the removal of the requirement to provide 12 months marketing evidence to confirm that the employment uses were unviable. During the recent DM DPD Examination in Public it was suggested by the Inspector and agreed by Council Officers that the following amendment be made:

*'Exclusion of a 12 months marketing exercise for site allocations will be referenced within supporting text of policy DM15. Replace last sentence in paragraph 15.4 to read, "As such Part (1) of the policy does not apply to Site Allocations'.*

- 9.18 This modification is now referred to in the Planning Inspector's Report.

#### Existing employment levels compared to projected future levels

- 9.19 As highlighted above, it is estimated that the current uses/buildings within Skylines Village have the potential to accommodate up to 280 employees. However, due to the inability to attract tenants to these largely out-dated premises, a large proportion of the existing floorspace (believed to be as much as 30%) is currently vacant and it is understood that the site currently employs approximately 135 people.
- 9.20 In terms of employment generating space, the proposed development includes approximately 4,073 sq. m (net internal) of proposed B1 floorspace, approximately 1,802 sq. m (net internal) for commercial use (class A1-A5, B1). Based on the employment densities in the Planning Obligations SPD 2012 this equates to approximately 434 jobs. The space provided for community uses (approximately 2,046 sq. m net internal) may generate additional full time employment, depending on the type of activities that the space is used. The proposed community orientated space has not been factored into the employment calculation. Therefore, assuming full occupation, the employment levels could possibly exceed the 434 jobs estimated.
- 9.21 A complete assessment of employment created should take into account the number of job that currently exist on-site. As stated earlier, it is understood that the existing occupied commercial buildings on the site provide employment for up to 135 workspaces. This will therefore result in an additional 299 employees on the site from what currently exists. The scale of the proposed development, with an estimated construction period of 39 months, will also ensure the creation of a large number of construction jobs on the site. Opportunities for local people to compete successfully for any of the jobs on offer (either through the construction of operational phase of the development) will be captured through the pooled employment and enterprise planning obligations, the delivery of a site specific employment and training strategy and local engagement in relation to employment opportunities through the Council's Skillsmatch service.
- 9.22 As such, the scheme accords with Chapter 7 of the London Plan (2011), saved policies

DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the MD DPD (Submission Version May 2012) with Modifications which seek to ensure buildings and places are of a high quality of design and suitably located.

#### Displacement of Existing Businesses

- 9.23 The proposed redevelopment would result in the displacement of approximately 30 businesses and 135 jobs, which are currently accommodated within the Skylines Village development. The applicant has confirmed that these tenants have been letting space within the building on a short-term basis and that all tenants have been made aware of the plans to develop the site over a number of years. It is understood that tenants have a minimum six month notice period in their leases and that many of the tenants were made aware of the forthcoming redevelopment plans when they entered into leases.
- 9.24 Policy DM15 of the Managing Development DPD (Submission Version May 2012) with Modifications provides the emerging local approach in terms of managing development that would be likely to displace existing businesses. Part 2 of the emerging policy states *"Development which is likely to adversely impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere."*
- 9.25 The employment statement submitted with this application sets out the proposed details of an employment retention and relocation strategy, which is recommended to be secured as part of the S.106 Agreement. This will be prepared and implemented by the developer in partnership with Council's Employment & Enterprise Team. It is proposed, subject to agreement with the Council at a later date, to deliver this strategy through the following activities and measures:
- Extended notice period for vacant possession provided to all existing tenants;
  - Financial assistance of £2,500 to be offered to all existing tenants to help mitigate costs associated with relocation;
  - Free advice and assistance to be provided to existing tenants by professional advisers, for a minimum of six months, by email and at open days at Skylines Village. Such advice will include assistance with property searches and identifying suitable space for tenants to move to, along with advice on the process of moving;
  - First right of refusal to occupy new SME space created in the new scheme; and most importantly
  - Transitional relief on rent to existing tenants (first year rent free and second year at half rent)
- 9.26 To facilitate any smaller existing tenants on the site, the proposed business centre within Blocks B1 and Block C on Marsh Wall has been designed to provide modern flexible business space that it is capable of subdivision to accommodate spaces for smaller and medium size businesses (SMEs) similar in scale to what is currently available on site. This would include a variety of sizes ranging from around 40sqm up to around 600sqm.
- 9.27 The above principles for the proposed retention and relocation strategy would be similar to the approach taken in respect of other recently permitted development proposals. To further mitigate the potential impacts of displacing the small and medium sized businesses, the applicant has proposed an employment and training strategy which will be secured through the Section 106 Agreement.
- 9.28 Due to the site allocation for Marsh Wall East, the likely employment levels generated in the proposed scheme compared to the existing level and commitment to make provision for existing businesses, the proposal is considered to accord with Policy DM15 of the Managing

Development DPD (Submission Version May 2012) with Modifications which seeks to ensure that development should not result in the loss of active and viable employment uses.

## **Design**

- 9.29 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.30 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 9.31 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.
- 9.32 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. Core Strategy policy SP10 and Policy DM23 and DM24 of the MD DPD seek 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.

## Design Strategy

- 9.33 The application is supported by a Design and Access Statement (and Addendum). The proposal is based on the principles of maintaining the street edge, minimising building footprints and giving maximum space to landscape, allowing the creation of a large south facing green open space and child play space which would be available for use, not only by the users of the buildings, but by neighbouring sites and residential areas, particularly during the day.
- 9.34 The triangular shape of the site, which is located at the junction of Marsh Wall and Limeharbour, allows a built form that fronts both streets with a significant opportunity for a taller built element at the junction, framed by a large area of public open space designed to welcome pedestrians into the site, and one that provides an active public realm adjacent to commercial uses. The scheme would successfully introduce active frontages to these two main thoroughfares and create space for the provision of a significant new open space within the site. A new square is also located where the streets converge creating a gap and breathing space to the built form, whilst inviting access to a soft landscaped open space internal to the site
- 9.35 The hard landscaped square would be approximately 0.1ha, situated at the junction of Marsh Wall and Limeharbour and would be publicly accessible 24 hours a day. It would play an important role in improving the local streetscene and the pedestrian experience and would become a fully active space through the provision of active uses such as shops, cafés and restaurants fronting onto the square. The larger area of new landscaped public open space, located towards the centre of the site, would be fully accessible (apart from night-time hours) and would have similar management arrangements as a traditional London Square. This internal space (which would enjoy significant amounts of sunlight penetration) would incorporate child play space, a biodiversity area and important new pedestrian links to through the site, potentially in the future linking Marsh Wall and Limeharbour with the existing residential neighbourhoods to the south, thereby significantly improving permeability in the wider area and links into the Council's Green Grid Strategy.

- 9.36 The siting of the tall building at the corner of Marsh Wall and Limeharbour would landmark this key junction and act as an appropriate way-finder to the new public space. The proposed development establishes an appropriate hierarchy of building heights across the site reflecting their importance and relationship with the existing and future character and scale of development. All buildings have also been set back from the street edge to provide wide pedestrian pavements and create 25m wide boulevards along both Limeharbour and Marsh Wall.
- 9.37 Officers have worked with the applicant as part of pre-application process following the previously refused application (PA/10/00182). The current application is for a scheme that has attempted to respond to the design related reasons for refusal stated in the report for the previous scheme, taking on board changes in policy and local context. This is set out below.
- 9.38 Key amendments were made to the design of the scheme submitted to the November 2011 to take account of concerns from the Council, GLA, Design Council/ CABI. The changes to the design were re-consulted on in July 2012 and are summarised as follows:
- Height reductions to Buildings A1 (minus 2 storeys), A2 (minus 4 storeys), B1 Podium (minus 2 storeys) and C3 (minus 1 storey);
  - Height increase to Buildings B (plus 2 storeys) and B1 (plus 5 storeys);
  - Floorspace area updates to reflect the massing amendments;
  - Residential unit schedule and mix updates to reflect the massing amendments
  - An enhanced landscaping strategy including further details on safety and security, open space and children's playspace.
- 9.39 The overall design of the tall buildings (as amended) is considered to be of a high standard and the bulk and proportion of tall buildings carefully considered. The positioning of the towers and distribution of massing is such that the towers would not dominate the townscape. The detail design of the scheme and materials have been well considered. The scheme with large public spaces at ground level and appropriate landscaping would be a more considered approach and would relate more satisfactorily with lower rise residential sites nearby and the changing ground levels.
- 9.40 The site is located at a strategic axis along Marsh Wall and is very prominent from local and long distant views. However, the proposed tall building with the new public square would help strengthen this axis and make it an appropriate addition to the local context. The recently consented Wood Wharf and Dollar Bay are in immediate local context. Significantly, the Inspector's Report into the DM DPD confirmed that it would not be reasonable to require a clear transition in heights between the Canary Wharf Preferred Office Location and their surrounding areas, not least in the light of outstanding permissions. The Inspectors Report instead suggests a more "flexible expectation" and individual solutions within the context of overall Core Strategy objectives and Design Council/ CABI Guidance.
- 9.41 Furthermore, the work carried out by the team to deal with sunlight/daylight and overlooking issues should ensure that future scheme proposed for neighbouring sites, including Angel House, should be able to come forward without impacting negatively on development capacity of adjacent sites.
- 9.42 The site layout drawing is shown below in Figure 4.





**Figure 4: the indicative masterplan**

Justification for Tall Buildings

- 9.43 With reference to the London Plan and Design Council/CABE Guidance, a tall building is described as one which is significantly taller than its surroundings or has a significant impact on the skyline. Policy 7.7 of the London Plan (2011) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; has ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 9.44 The tall buildings guidance paper prepared by CABE and English Heritage (EH), 'Guidance on Tall Buildings' (2007) recognises that in the right place, tall buildings can make a positive contribution to city life. Design Council/CABE in their response were supportive of the principle of a tall building in the proposed location and English Heritage did not raise an objection to a tall building in this location.
- 9.45 Policy SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the MD DPD reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings. The recent Inspectors report regarding the Managing Development DPD states that there should be a 'flexible expectation' for building heights around the Canary Wharf cluster.
- 9.46 The site is located south of the existing tall building cluster of Canary Wharf and proposed large scale development site at Wood Wharf and east of the tall buildings of the Millennium Quarter. While the site currently comprises mainly commercial elements of small to medium scale, it shares a similar character to these other dockside areas, separated from them by

the South Dock and Millwall Inner Dock. Bordering the docks are a number of larger scale office and housing development within Canary Wharf, the Millennium Quarter and Baltimore Wharf, whilst to the south-east beyond the site are the significantly lower-rise housing estates of Cubitt Town.

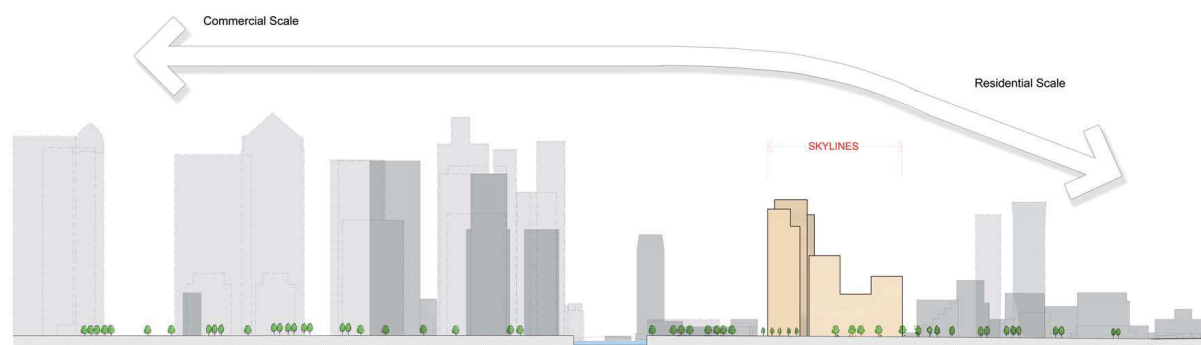
- 9.47 Canary Wharf and the Isle of Dogs in general are recognised as a key location for high density development and iconic tall buildings, reflecting its status as an important commercial/corporate hub in London. A larger scale of development has extended beyond the original commercial cluster in recent years to include new high density mixed-use and residential developments, particularly to the south, east and west of Canary Wharf. Higher density residential developments have replaced older low density commercial buildings (which traditionally bounded Canary Wharf) and have started to change the skyline around Canary Wharf. Indeed, these new buildings have started to form new clusters/landmarks which define the transition between the commercial heart of Canary Wharf and the more residential aspects to the south. Marsh Wall (both east and west) sits on the border of this transition point and has been the focus for a number of new mixed-use and residential developments.
- 9.48 The general bulk, scale and mass of the building blocks proposed are considered acceptable as an overall reduction of massing and height from the taller buildings to the north at Canary Wharf, following an established pattern for new buildings set by developments such as Baltimore Wharf, moving south down the Isle of Dogs. The tallest element of the proposal is situated at the north-western corner of the site, providing a marker and assisting with wayfinding, with scale stepping down (with some variation) toward the lower scale developments to the south. The distribution of heights is considered to be appropriate and conducive to successful placemaking.
- 9.49 It must be recognised that the delivery of 3000+ new residential units within the Marsh Wall East allocation, with limited site areas forming part of the allocation, will inevitably lead to the introduction of taller buildings and higher density development with all the associated challenges. The London Plan and the Core Strategy are aligned in their promotion of high density residential development for the Isle of Dogs and the emerging DM DPD (which is now at an advanced stage of preparation) specifically focusses on the significance of the Marsh Wall East allocation in delivering high density mixed use development and 3000+ new residential units. For any redevelopment scheme to accord with these development objectives for the Marsh Wall East allocation there will inevitably be a degree of contrast in built form between the Skylines site and its immediate lower density neighbours.
- 9.50 It is acknowledged that the proposed buildings at Skylines are larger in scale and height than many of the buildings to the south of the site, particularly the 2 and 3 storey residential properties at Aste Street. However, this is not an unusual situation on the Isle of Dogs and many examples of similar transition sites can be cited. These include Wood Wharf (PA/08/1215), City Pride (PA/08/2293), Dollar Bay (PA/11/01945), Alberta House (PA/07/00241) and 22-28 Marsh Wall (PA/07/02744). The proposed development responds to the transition in scale between the high rise office buildings of Canary Wharf and residential scale of the area to the south of Skylines. Of particular note are extant consents for a 43 storey tower on the former London Arena site, now known as 'Baltimore Wharf', a 31 storey tower on 'Dollar Bay' and a 23 storey tower on the Asda, Crossharbour site. Skylines is north of the latter two, providing a marker by which to signalise a reduction in scale from Canary Wharf to the proposed scheme.
- 9.51 Officers consider the tallest built element (Block B1) to have a unique architectural quality in that it has been designed and detailed to stand out as an outstanding element which acts as a focal point for the area. It provides an address and destination. The scale and placement of Block B1 on the site has been carefully considered to ensure that it strongly identifies this key position whilst also reducing its visual impact from adjoining streets and providing an identifiable separation from the lower scale buildings proposed and existing lower buildings

in the wider area, particularly to the south.

- 9.52 In compliance with these policies, Block B1 demonstrates an exemplar level of design quality and would constitute an elegant addition to the local and wider skyline, acting as a focal point for the wider Marsh Wall East regeneration area. The height of the building provides the opportunity to respect Canary Wharf and other large consented schemes in the local area, whilst the remainder of the development can respond to the scale of the built form to the south. It has been set back from Marsh Wall and Limeharbour in order to frame a new high quality public square on the site and an existing viewing corridor from the south east of the site across the docks to the city beyond.
- 9.53 The proportion and articulation of the tower has been designed to emphasise slenderness as has its orientation. Its narrow north-south profile minimises its impact on the developable land to the north and its visual perception from existing residential areas to the southeast. It will frame a new high quality public square for the local community as well as provide an attractive setting for a substantial new pocket park within the site. Furthermore, the building facades have been designed to reflect the importance of the role of the building as a landmark element of the proposals. The high quality of the design reflects its position, height and mass. There is a level of layering and subtlety to the facades of the building which provide an articulation that can be read from long, medium and short distances.

### Townscape

- 9.54 Figure 5 provides an eastern view of the Isle of Dogs, demonstrating the transition discussed in paragraph 9.50 and subject to localised impacts concerning amenity and heritage as discussed below, the principle of a tall building within the north-west corner of this triangular site is considered acceptable in principle.



**Figure 5 – Eastern view of key buildings, Isle of Dogs**

### *Impact of Height to the South-West*

- 9.55 Concerns from both LBTH and the GLA noted that the difference in height between the November 2011 scheme proposals and the existing residential buildings was overly abrupt and potentially negative in terms of visual impact on the neighbouring residents. The current proposals respond to these comments by reducing the height of three of the buildings (A1, A2 and C3) closest to the adjacent terraces to the south.
- 9.56 The heights of the buildings now step further down towards the existing scale of Limeharbour and Marsh Wall. This reduction in height would help to create a more sensitive and complementary massing with the additional benefit of more daylight/sunlight infiltration through the scheme.

### Strategic Views

- 9.57 Assessment Point 5A.1 of the Draft Revised London View Management Framework is relevant to the application (relating to the view from the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The townscape conclusions suggest that the proposed development would be visible but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site. The GLA does not raise any objections in this respect. English Heritage suggested that the Borough satisfies itself with regard to matters including the visual qualities of external finishes which potentially could have a considerable impact on the setting of the World Heritage Site.
- 9.58 Verified views have been considered and whilst the taller elements of the development would be visible, they would blend in with the existing cluster of tall buildings within the area and break down the scale of the commercial buildings within Canary Wharf. English Heritage commented that:

*“Whilst the view from the General Wolfe has been subject to much change, particularly in the last twenty years, it has, to date, retained some sense of order with the tallest towers located at the northern end of the Isle of Dogs and some lower towers located slightly further south in developments centred around the Millennium Quarter. EH have also previously noted that the clear recessive planes - the impressive Palace complex, the trees of Island Gardens, followed by low rise buildings, beyond which rise the towers - are important characteristics. The visual layers of development instil a degree of visual order and, importantly, the distance serves to reduce the impact of the tall buildings”*

#### Heritage & Conservation

- 9.59 The NPPF sets out the Government’s objectives in respect of conserving and enhancing the historic environments.
- 9.60 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011), saved Policies DEV1 and DEV34 of the UDP, Policies DEV2, CON1 and CON2 of the IPG, Policies SP10 and SP12 of the CS and Policies DM24, DM26, DM27 and DM28 of the MD DPD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 9.61 London Plan (2011) Policies 7.11 and 7.12, Policy SP10 of the Core Strategy Development Plan Document (2010) and Policies DM26 and DM28 of the Managing Development DPD (Submission Version May 2012) with Modifications seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 9.62 It is considered that the proposed development safeguards local and strategic views, conserving and enhancing the setting of the Maritime Greenwich World Heritage Site, as well as nearby Coldharbour Conservation Area.

#### Local Views and Impacts

- 9.63 In terms of local views, the application is accompanied by a number of verified views and a full townscape analysis in the ES which, following consideration indicates that the proposal will relate positively to the surrounding site context. The development is considered to form a positive addition to London’s skyline, without causing detriment to local or long distant views.
- 9.64 Key views surrounding the site have been considered and assessed, although there are no protected local views.

#### Aste Street/ Chipka Street

- 9.65 Properties that back onto the site along Aste Street would have clear views of the proposed development. The current proposals have been reduced to be less overbearing and are of a smaller scale at the edges. The tower elements are as far away from the smaller scale properties as the site allows which would minimise views of the proposal in close proximity so that taller elements would not dominate properties on Aste Street and Chipka Street. However, it is noted that due to the suburban feel of Aste Street and Chipka Street the views of the completed development would alter views currently experienced, bringing the 'the City' closer to views from this area.

#### Marsh Wall

- 9.66 The completed development would create a landmark building within the streetscene of Marsh Wall, creating an edge to the road and a more vibrant streetscene. As mentioned previously, the overall design of the tall buildings is considered to be of a high standard, and the bulk and proportion of tall buildings carefully considered.

#### Blue Bridge, Preston's Road

- 9.67 The development is visible from the blue bridge but this would be interrupted when other sites in the Marsh Wall East allocation come forward for redevelopment, particularly Dollar Bay and Angel House.

#### St Johns Park

- 9.68 Views within St John's Park would remain relatively uninterrupted due to the screening effect of trees. The middle and upper storeys of the completed development would be visible from St Johns Park. The setback of tower elements away from the southern boundary would minimise views of the proposal in close proximity so that taller elements would not dominate.

#### Mudchute/ Millwall Park

- 9.69 Although visible, the proposal is considered to adequately protect views from these parks towards Canary Wharf and the remaining cluster.

#### Layout and Disposition of Uses

- 9.70 The podium adjoining Block B1 and C would provide a more gradual height transition along Marsh Wall. The height of the lowest block (C3) has also been reduced by a further storey to assist with this relationship. The building to the edge of the scheme have been lowered to respond to the existing neighbourhoods
- 9.71 As the affordable accommodation has been relocated in Blocks A1, A2 and B, the location of the community uses within Block C was reviewed. The proposals site the community uses within the lower floors of Block B, meaning this community space would be located more centrally for all residents to use, and the wider Isle of Dogs community. In addition, the use of these lower floors for community space would be more acceptable than residential uses in terms the noise impact of the adjacent DLR.
- 9.72 Figure 4 above (paragraph 9.42), illustrates those elements being proposed at ground level, which include flexible retail space, offices, maisonettes, and a lay-by servicing area, together with access to basement car and cycle parking and new public square. The pavilion fronting on to the public square is considered to provide animation and a human scale at ground level.
- 9.73 The overall improvement to the site's permeability is welcomed as this would greatly enhance connectivity and permeability through the site, providing step-free access through

the site. The location of pedestrian routes, open spaces and play space is considered to be acceptable, with the proposed building layout and use allocation ensuring that they are legible and have good surveillance.

- 9.74 The proposal is therefore considered to provide a high standard of urban design, having regard to the pattern and grain of the existing spaces and streets in the area. The proposal appears sensitive to the character of its surroundings in terms of overall layout, bulk, scale and use of materials.

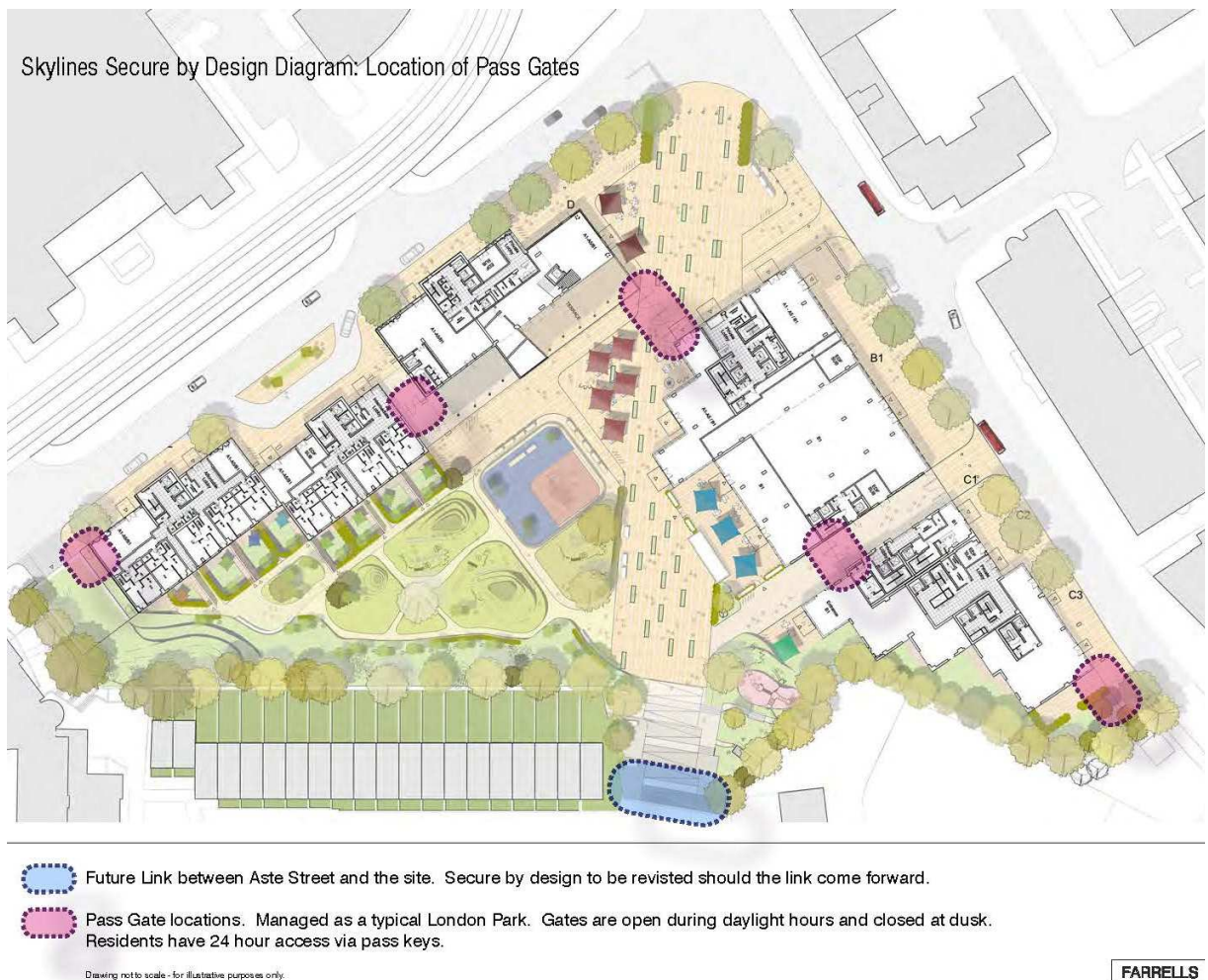
#### Detailed Design/ Elevational Treatment

- 9.75 The detailed design of the scheme and materials is well considered. The proposed materials and appearance of the two groups of buildings comprise a varied textural and colour palette which is complimentary to each building group. For example, Blocks A and B adopt a more solid 'hole-in-wall' (e.g. recessed balconies within a flat façade), appearance, whereas Blocks B1 and C take a more sculptural, interlocking geometry with more simple faced treatments.
- 9.76 Blocks A and B are designed to reflect the surrounding residential community. The façades would utilise a mixture of precast concrete panels, dark aluminium cladding and coloured glass balustrade. The main material of the façades of Blocks B1 and C would be glazed panels varying in opacity and colour, with protruding balconies and projected panels which provides three dimensional character to the buildings' exterior.
- 9.77 The facades have been designed to reflect the importance of the role of Block B1 as the scheme's landmark element. There is a level of layering and subtlety to the facades which provides an articulation that can be read from long, medium and more local views.

#### Secured by Design

- 9.78 The applicant has engaged with the Metropolitan Police who are content with the applicant's response on all issues, except for some outstanding concerns regarding the two covered pedestrian routes onto the site off Marsh Wall and Limeharbour and the potential for these areas to become a crime generator. However, following the confirmation that that these spaces could be closed off at night with the site being managed through a robust Estate Management Plan (which would be secured by planning condition, in consultation with the Police) officers are satisfied that the development would provide adequate safety and security for occupiers as well as visitors to the site of the proposed development. Gating such developments at night-time can act against the overall objectives of providing inclusive and permeable forms of development but safety, security and crime prevention is also an important consideration and on balance, officers feel that closing the site off during night-time hours should help ensure that the site and its immediate environs remain secure. There could well be some night-time activity onto Marsh Wall and Limeharbour, associated with the ground floor commercial uses, which would help maintain surveillance of the area into the evening.

- 9.79 The Police have requested that any Estate Management Plan should require the provision of 24/7 concierge systems along with monitored CCTV and a robust plan for dealing with any antisocial activity within the covered routes and within the main open spaces/play areas on site.
- 9.80 The public realm will be landscaped with high quality material and lighting to create an attractive environment and make a positive contribution to the area. Planting will be well maintained to ensure they do not become screening devices that create dark corners around the site. In addition, pivot gates have been added to the design of the landscaping to allow the public realm associated with the revised proposals to be treated as any other local pocket park. The gates would allow for the closure of the community space after dark/at dusk. This will significantly enhance the safety and security of the amenity space and the residents of the revised scheme. The proposed security plan is shown in Figure 5 below.
- 9.81 To conclude this section of the report, your officers are satisfied that the scheme accords with Chapter 7 of the London Plan (2011), saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the MD DPD (Submission Version May 2012) with Modifications which seek to ensure buildings and places are of a high quality of design and suitably located.



**Figure 5 Secure By Design Diagram**

## Housing

- 9.82 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring

Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners. By identifying the Isle of Dogs as an Opportunity Area, the London Plan envisages that in excess of 10,000 residential units will be forthcoming over the Plan period

- 9.83 Policy SP02 of the Core Strategy seeks to deliver 43,275 new homes (equating to 2,885 completions per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. Appendix 2 of the Council's adopted Core Strategy reviews the delivery programme of new housing investment and seeks to provide within the Plan period (2010-2025) a new housing allocation of 4,190 new homes for Cubitt Town, 2,640 new homes for Canary Wharf and 6,150 new homes for Millwall; a total of 12,980 new units across all three "Places" as defined by the Core Strategy and exceeds the overall London Plan target for the Isle of Dogs Opportunity Area.
- 9.84 The emerging DM DPD has identified various strategic sites (Billingsgate Market, Wood Wharf, Millennium Quarter, Westferry Printworks, Crossharbour Town Centre and Marsh Wall East) in order to accommodate housing growth alongside other complementary uses. Development completed prior to 2010 are not factored into the housing targets outlined above. The implementation of targets could well be hampered unless further progress is made in the short to medium term towards further residential permissions and starts on site, especially in view of the current economic climate.

#### Residential Density

- 9.85 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location, as well as design and amenity considerations.
- 9.86 The site has a "Good" public transport accessibility level (PTAL 4). For central locations with a PTAL 4, both London Plan (Policy 3.4, Table 3.2) and LBTH Core Strategy seek to provide a density of between 650 and 1,100 habitable rooms per hectare. The proposed density is 1,574 habitable rooms per hectare (or approximately 530 units per hectare). However, the intent of the London Plan and Council's DM DPD is to optimise the intensity of use compatible with local context, good design principles and public transport capacity.
- 9.87 The scheme incorporates new pedestrian routes through the application site, as well as planning obligations towards transport infrastructure, public realm and connectivity to improve sustainable travel options.
- 9.88 It should be noted that density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any serious concerns in respect of overdevelopment and on balance, promotes high standards of residential quality and placemaking. As such, a density which exceeds the recommended guidance would be acceptable in this location and assists in the delivery of housing targets outlined above. This is further supported by the site's designation within the Central Activities Zone, the Isle of Dogs Opportunity Area, the Marsh Wall East Site Allocation and the Isle of Dogs Area Action Plan, all of which encourage high density development in central locations. It is therefore considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policy SP02 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

#### Affordable Housing



9.89 As detailed in Table 1 below, the proposed development would provide 35.7% affordable housing provision by habitable room (or 228 units) split between social target rent and intermediate housing. Furthermore, the affordable element is split 71:29 in favour of social target rented accommodation, which would be generally in line with the Council's policy target of 70:30.

	<b>Units</b>	<b>% of units</b>	<b>Habitable rooms</b>	<b>% Hab rooms</b>
Affordable Social Target Rent	154	20%	584	25.3%
Affordable Intermediate	74	10%	241	10.4%
<b>Total Affordable</b>	<b>228</b>	<b>30%</b>	<b>825</b>	<b>35.7%</b>
Market Sale	536	70%	1441	64.3%
<b>Total</b>	<b>764</b>	<b>100%</b>	<b>2266</b>	<b>100%</b>

**Table 1: The proposed indicative overall tenure mix**

9.90 The affordable housing offer would comply with current LBTH policy, as it is in the range of 35%-50% and your officers are satisfied, following advice from independent viability consultants and taking into account the current economic climate, that the level of affordable housing at social target rent has been maximised. It is also important to note in this context, that the applicant has agreed to meet all the necessary planning obligations required to mitigate the impact of the development.

9.91 The Council's independent review of the viability assessment concludes that the applicant's affordable housing offer and other financial contributions are the optimum that this development could deliver (at the time of the assessment). Although the viability assessment concludes that the provision of 35.7% affordable housing (based on social target rented provision) is not viable, the applicants have expressed their commitment to providing this on the basis that market conditions will improve in the future which will result in more viable proposition. In time, there is also a possibility that the developer may be able to accept a lower developer profit (currently fixed at 20%) assuming that developer risk is reduced through funding being made available to facilitate a commencement on site.

9.92 Following the publication of the Inspectors Report into the DM DPD, the viability assessment has been further amended, to consider other potential scenarios but the applicant has made it clear that the proposed development has been submitted on the basis of that the rented affordable accommodation is proposed at social target rents.

9.93 The applicant has also agreed to include a review clause in the S106 Agreement to reassess development viability immediately prior to implementation of the scheme to determine whether affordable housing could be further increased, on the terms already negotiated (with rented stock being social target rents). It has been also been accepted that any review mechanism would not reduce percentages already negotiated and agreed.

#### Housing Type and Tenure Mix

9.94 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.

9.95 Further to this, Saved Policy HSG7 of the UDP requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms.

- 9.96 Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new rented homes to be for families.
- 9.97 Policy DM3 (part 7) of the MD DPD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 9.98 Table 2 below outlines the proposed housing mix in the context of the Borough's preferred dwelling mix:

Unit size	Total units in scheme	affordable housing						market housing		
		social rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	53	0	0%	0%	0	0%	0%	53	10%	0%
1 bedroom	263	46	30%	30%	19	25%	25.0%	198	37%	50.0%
2 bedroom	251	40	26%	25%	36	49%	50.0%	175	33%	30.0%
3 bedroom	145	43	28%	30%	19	26%	25%	83	15%	20%
4 bedroom	45	18	12%	15%	0	0%		27	5%	
5 bedroom	7	7	5%	0%	0	0%		0	0%	
6 bedroom	0	0	0%		0	0%		0	0%	
<b>TOTAL</b>	<b>764</b>	<b>154</b>	<b>100%</b>	<b>100%</b>	<b>74</b>	<b>100%</b>	<b>100%</b>	<b>536</b>	<b>100%</b>	<b>100%</b>

**Table 2: Indicative overall unit and tenure mix**

- 9.99 The housing mix is considered to be in line with the Council's policies and includes the provision of much needed larger family accommodation. The proposal delivers 45% family accommodation in social rent tenure, including provision of 4 and 5 bed homes. There is also an acceptable level of family housing in the intermediate and private tenures. This equates to 26% family housing (3 bedroom and above) across all tenures which helps the borough meet its Core Strategy (Policy SP02) strategic target of 30% of all new housing across the borough to be of a size suitable for families.
- 9.100 The proposal would provide an acceptable mix of housing and could contribute towards delivering mixed and balanced communities across the wider area. Furthermore, the emphasis on the provision of family housing within the social rented tenure is welcomed. Therefore it is considered that the application provides an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the CS and Policy DM3 of the MD DPD which seek to ensure developments provide an appropriate housing mix to meet the needs of the Borough.

#### Internal Space Standards

- 9.101 The submitted plans demonstrate that the applicant has met the internal space standards set out within both the Housing Design Guide and London Plan. All proposed affordable family homes include a separate kitchen and dining room, although the recently published Inspector's Report states that separate kitchens should not be insisted upon and should be deleted from emerging policy.

## Private and Communal Amenity Space

- 9.102 Policy DM4 of the MD DPD sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor's Housing Design Guide (2010) recommending that a minimum of 5 sq m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq m is provided for each additional occupant.
- 9.103 The proposals provide significant amounts of amenity space of different types which is set out in Table 3 below.

	<b>Amount provided</b>	<b>Policy requirement</b>	<b>+/-</b>	<b>Comments</b>
<b>Private amenity space</b>	5,486sqm	4,721sqm	+ 765sqm	<ul style="list-style-type: none"> <li>• Provided as balconies, private gardens, terraces, and winter gardens</li> </ul>
<b>Communal amenity space</b>	1,483sqm	804sqm	+ 679sqm	<ul style="list-style-type: none"> <li>• Provided as communal gardens on buildings A1 and B1 (podium).</li> </ul>
<b>Children's playspace</b>	2,290sqm	2,590sqm	Minus (-) 300sqm	<ul style="list-style-type: none"> <li>• child playspace also provided on building A1 as a roof garden. This is included as communal amenity space (equal to 325sqm) in this table rather than child playspace.</li> <li>• It is also reasonable to reference the 420 sqm of ground level private residential gardens dedicated to the large family-sized social rented units at the base of Blocks A1 and A2 as usable children's playspace which isn't included in the amount provided figure</li> <li>• 2,290sqm child playspace provided at ground level which will be accessible to the public during daylight hours</li> </ul>
<b>Ground level public open space / public realm</b>	6,942sqm	N/A		<ul style="list-style-type: none"> <li>• Includes widened pavements, new public square (1100sqm) open 24 hours a day. Also includes a new public open spaces closed during night-time including 505sq.m biodiversity area and areas of lawn alongside the southern boundary of the site.</li> <li>• Excludes 2,290sq.m child playspace provided at ground level which will be accessible to the public during daylight hours (if included there is 9,232sq.m of provision).</li> <li>• The Interim Planning Guidance Isle of Dogs AAP identifies the site as capable of providing 0.29ha or 20% of site area which is exceeded, however little 'weight' can be afforded to this policy.</li> </ul>

**Table 3: Amenity Space Provision**

- 9.104 The level of private and communal amenity space provision is acceptable and in fact exceeds the policy requirements. Communal and private amenity spaces are provided in a variety of external spaces, including private gardens at ground floor level for the ground/first floor maisonettes, generous balconies and roof terraces/gardens which would provide usable amenity for future residents.

### Child Play Space

- 9.105 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the MD DPD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation', which sets a benchmark of 10 sq m of useable child play space per child.
- 9.106 Using LBTH child yield calculations and based on the overall submitted unit mix, the overall development is anticipated to accommodate 259 children and accordingly the development should provide a minimum of 2,590sq.m of play space in accordance with the London Plan and the emerging MD DPD's standard of 10 sq.m per child as shown in Figure 4 above. Children's playspace is provided for both 0-5 and 5-11 age groups on site at ground level, which results in the development delivering 2,290sq.m of dedicated child play space, resulting in under provision of 300sq.m. This is considered acceptable due to the provision of both play facilities for younger as well as older children, the overprovision of private and communal amenity space and the provision of public open space in the form of the proposed public square and other incidental areas of open space. Maintenance of the child playspace will be required through imposition of an Estate Management Plan which it is recommended to be secured by condition.
- 8.107 As such, given the on-site provision of children's play space and adjacent playable soft landscaped area and availability of public play space within 800m of the site (i.e. Millwall Park, Sir John McDougal Park and St John's Park) your officers are satisfied that the revised Skylines development will have a beneficial impact on play space in the local area
- 9.108 A condition has been suggested requiring the submission of details of accessible play equipment.

### Wheelchair Housing and Lifetime Homes Standards

- 9.109 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 9.110 Any planning permission will be conditioned to ensure that the detailed design of units will accord with the above London Plan and LBTH requirements in terms of wheelchair accessibility and Lifetime Homes Standards.

### **Community Infrastructure**

#### Open Space

- 9.111 The landscape strategy outlines the hierarchy of the spaces starting with the public square, the route/communal gardens, the possible future connection with Aste Street/ Chipka Street, and the private amenity spaces/gardens provided for the Skylines residents. It also summarises the play space provision for the site. The routes through the site will be active areas both for the residents and for visitors/day-users of the site. Benches and cycle parking would be distributed along their lengths as well as elements of landscape design such as low level perennial planting, variety of materials, street furniture and lighting. The new public space will also be capable of contributing to the Green Grid in the area.
- 9.112 New routes which would connect the key public spaces would be fully accessible and would be open to the public (apart from during night-time hours) which would be controlled through

an Estate Management Plan as previously referred. When the routes are closed to the public, residents will still have access via pass gates located at all locations. The routes would be well illuminated allowing residents to use them safely and securely throughout the evenings and early mornings. This addresses previous concerns raised by CABE/Design Council regarding landscaping and a lack of clarity around the function of open space provided

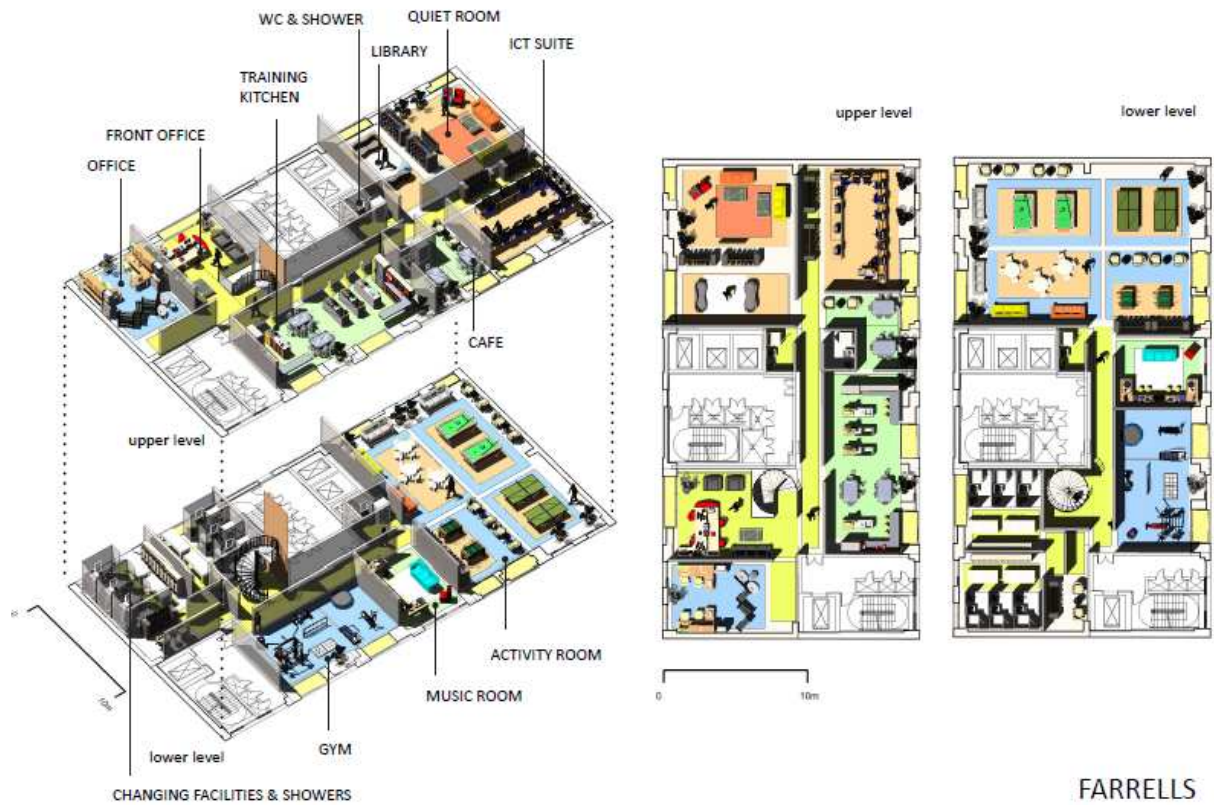
- 9.113 Policy 7.18 of the London Plan supports the creation of new open space in London to ensure satisfactory levels of local provision to address areas of deficiency. London Plan Policy 7.5 seeks to ensure that London's public spaces are secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces. The development proposals will accord with the objectives of this policy.
- 9.114 Policies DEV12 and HSG16 of the UDP, Policy DEV13 of the IPG, and policies SP02, SP04 and SP12 of the CS promote the good design of public spaces and the provision of green spaces.
- 9.115 The scheme would deliver 6,462 sq m of public open space and 9,232 sq m (including the proposed publicly accessible play space). Opportunities to provide new areas of open space are always challenging on the Isle of Dogs with heavy reliance on pocket parks and other open spaces that form an integral part of the Green Grid Network across the Island. The Isle of Dogs AAP (which should be afforded only limited weight but is still of relevance) identifies the site as having the potential to deliver a minimum open space provision of 0.29ha. It is clear that the current proposal would exceed this open space target for the site.
- 9.116 This new public open space and public realm improvements would help to mitigate the impact of the new population and provide a new area of public open space accessible to new local residents and employees as well as existing residents and employees in the area. The addition of new open space will also compliment the five local parks and small open spaces within 1.2km of Skylines Village and help to mitigate the existing deficiency of local parks within the wider Borough and contribute to the Green Grid.
- 9.117 Irrespective of this, the proposed level of open space would still fall below LBTH's standard of 12 sq m per occupant (in order to achieve 1.2 ha per 1,000 residents as set out in the LBTH 2006 Open Space Strategy) and would provide approximately 4 sqm per person (based on 0.646ha for 1,601 additional residents). Accordingly, the applicant has agreed to a financial contribution of £828,386 to mitigate this impact, which would be in compliance with the Planning Obligations SPD requirement.
- 9.118 The southern aspect of the majority of the public open space and play space should ensure good levels of sunlight which should not suffer from permanent overshadowing.
- 9.119 It is considered that the scheme benefits outweigh the shortfall in open space per head of population. The submitted public realm and landscape strategy have provided officers with sufficient comfort that the quality of open space that would be provided within the development would be of a high standard and a financial contribution toward public open space serves to mitigate against this shortfall. Accordingly, it is considered that the proposal is acceptable in this regard.

### Local Schools

- 9.120 The Council is taking a positive approach to planning for the social and physical infrastructure necessary to support the growth in homes and jobs across the Borough over the next 15 years and beyond, through its Local Development Framework.
- 9.121 The Inspector, in his recent report into the Managing Development DPD, supported all of the Council's site allocations for infrastructure provision. This will enable the delivery of a range of infrastructure including new primary and secondary schools, health facilities, local parks and IDEA Stores. This includes the allocation of private development sites for 2 new secondary schools (including Westferry Printworks on the Isle of Dogs) and a minimum of 5 new primary schools.
- 9.122 These allocations will complement the Council's proposals to expand its existing school estate and use of its own land to provide new school places. In a number of cases your officers are discussion opportunities for new primary school facilities on sites not explicitly allocated for such a purpose but could well contribute positively towards mixed use solutions and complement formal allocated school sites.
- 9.123 The approach to planning for school places and other infrastructure takes into account committed and potential development as well as demographic projections. This information is kept under continual review to ensure that the correct type and amount of infrastructure is provided.
- 9.124 The Managing Development DPD also includes site allocations in the Isle of Dogs for a new Health Facility and IDEA Store and requires the provision of new areas of open space, public realm improvements, new connections and transport improvements.
- 9.125 Work on the site allocations has been integrated with the Council's processes for negotiating and securing planning obligations. This ensures that all development contributes to infrastructure provision, either as part of the development proposals/allocations themselves or through planning obligations.
- 9.126 The application recognises that it should fully contribute towards the provision of primary and secondary school places and a fully compliant Planning Obligations SPD contribution has been offered by the applicant.

### Community Floorspace/Youth Club

- 9.127 Following on from Members previous concerns about lack of opportunities for the wider community arising out of this proposed development, your officers have put the applicant in touch with the Council's Youth and Community Service which has had a long standing aspiration to provide further youth facilities in the Cubitt Town area. It is understood that these discussions have been positive and parties have agreed to continue to work together to develop a shared vision to deliver a new Youth Club in the community space proposed to be spread over two of the seven floors of community space. There is significant need within the Isle of Dogs area for this facility as there is currently only one purpose built youth centre available for use (Britannia Road). Further work is required to realise this vision including fine tuning plans and consulting with local young people but the applicant has offered the space (shell and core) plus internal walls and a commitment for a peppercorn rent for a period of five years whilst meeting service charges. This will be secured in the S106 Agreement. A potential layout for a youth facility is reproduced below.



Skylines Youth Centre Study December 2012

## Amenity

### Daylight and Sunlight

- 9.128 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 9.129 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the Managing Development DPD (Submission Version May 2012) with Modifications seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 9.130 The Environmental Statement considers the impacts of the development with respect to daylight and sunlight and has been independently reviewed by a specialist consultant.
- 9.131 For calculating daylight to neighbouring properties affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 9.132 British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 9.133 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties as well as its impact on the development potential of

neighbouring sites within the Marsh Wall East allocation (DM DPD – Submission Version with Modifications).

- 9.134 The BRE Report (2011) recommends that where possible all dwellings should have at least one living room which can receive a reasonable amount of sunlight. A reasonable amount of sunlight is defined in BS 8206:2008 as follows:

*“Interiors in which the occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours. At least 5% of probably sunlight hours should be received in the winter months, between 21 September and 21 March. The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seem arbitrary”*

*Proposed Development*

- 9.135 The daylight/sunlight assessment for the new blocks to be constructed demonstrates that all main facades will receive good levels of sunlight. A total of 338 units are single aspect (233 are within the private sale properties) but none of these are north facing and officers are satisfied that all of these properties would provide satisfactory living conditions.

*Neighbouring Properties*

- 9.136 The BRE report recommends that for existing buildings, sunlight should be checked for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probably sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.
- 9.137 The daylight, sunlight and overshadowing assessment for the neighbouring properties has been carried out by testing regular points on the elevations of the relevant buildings surrounding the development site. Those dwellings in close proximity of the site and where those dwellings have windows which have a direct outlook onto the Site itself are shown in the table below.

<b>Address</b>	<b>Percentage of windows that exceed 40% reduction in daylight</b>
26-44 East Ferry Road	45%
6-13 Cipka Street	68%
1-39 Aste Street	98%
1-6 Roffey Street	19%

**Table 4: Daylight impacts on properties with direct outlook onto Skylines Village**

- 9.138 When these failings are assessed against historical standards previously adopted by the Council, they would be assessed as unacceptable as the impact on the existing levels of natural daylight would exceed a 40% reduction which is a key test set out in the BRE guidance, and in many cases well above 40%. This will result in demonstrable harm to the amenity and in particular principal living rooms and rear bedrooms. However, these levels of reduction are not uncommon when higher density development is proposed in accordance with strategies in place to optimise residential densities and plot ratios.



9.139 Buildings further away from the site or buildings which do not have windows with a direct outlook onto the Site which were assessed are as follows:

1-114 Meridian Place  
1-52 Antillies Bay  
12-24 East Ferry Road  
22-25 Chipka Street  
30-33 Chipka Street  
1-30 Landoverly House  
1-12 Ash House  
1-18 Rugless House  
13-14 Roffey Street  
Limeharbour Court

9.140 The impact on properties named above which are remote from the site or do not have a direct outlook onto the site could perhaps be described as “moderate/major adverse”.

9.141 The analysis identifies that the proposed development will, in some cases, result in an impact on daylight levels to the residential properties to the south of the site that is in excess of the maximum levels set out in BRE guidance. However it should be acknowledged that in a city centre or urban context such as the Skylines site, significant daylight reductions are anticipated by the BRE which allow a degree of pragmatism. The 2011 BRE report states that numerical guidelines “should be interpreted flexibly because natural lighting is only one of many factors in site layout design.” Similar daylight impacts have been found to be acceptable, on balance, in other cases in the Borough.

9.142 In many instances residential properties to the south of the application site, including those on Chipka Street, Roffey Street and Aste Street, already receive daylight levels which are below the BRE targets. These properties are therefore particularly sensitive to relatively small changes in lighting conditions. As the Skylines site is currently occupied by very low rise buildings and has a raised site level (around 3 metre difference) when compared to the residential properties to the south, the construction of any meaningful scale of development on the site will inevitably cause some impact on daylight levels to these properties;

9.143 Through the creation of a substantial new public open space at the southern end of the site as well as a new biodiversity area along the southern boundary, the proposed development would in fact improve the aspect to existing residential properties to the immediate south. As detailed in the design and access statement, the final height of the set-back buildings proposed along Limeharbour will be below the sight-line created by the existing buildings (when viewed from the rear gardens along Aste Street).

9.144 Despite letters of objection received on the basis that neighbouring properties would be affected by these proposals, considering the overall proportion of failures and the range of benefits and issues this proposed development is expected to deliver/resolve, it is considered on balance that the daylight impacts of the proposal upon surrounding existing residential properties is acceptable.

#### Sense of Enclosure, Outlook and Privacy

9.145 Policy SP10 of the Core Strategy seeks to protect residential amenity and Policy DM25 of the MD DPD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook. These policies are further supported by policies DEV1 of the IPG and DEV2 of the UDP.

9.146 In terms of impacts upon neighbouring properties, those which are the most sensitive are to

the south fronting Aste Street and Chipka Street. In accordance with Policy DM25 of the MD DPD, a reasonably acceptable separation distance between directly facing habitable rooms windows to ensure privacy is maintained is 18 metres.

- 9.147 Accordingly, the separation distances between the proposed development and directly facing neighbouring properties is considered acceptable given the urban context of the site.
- 9.148 With relation to overlooking to existing residential properties, the level of overlooking would not be any worse than existing. The existing Skylines Business Village includes a number of business units along the southern boundary with windows fronting directly on to the rear gardens of lower scale residential properties at Aste Street. When combined with the 3 metre level difference along the southern boundary, the existing relationship contributes to an existing sense of enclosure and overlooking which officers believe would be improved as a consequence of the development.
- 9.149 The Skylines proposal seeks to relieve this situation by demolishing the existing business units along the southern boundary and replacing them with new high quality buildings set further back from the boundary. Although these buildings will be taller, their position further away from these properties should ensure that separation distances between opposing windows are substantially increased, thereby minimising opportunities for overlooking or loss of privacy.
- 9.150 In terms of impact on itself, the scheme has been designed to minimise directly facing habitable rooms within 18 metres. The proposals are therefore generally in keeping with the abovementioned policies.

#### Development Proposals on Adjacent Sites

- 9.151 A further material planning consideration is the impact of Skylines proposal on the submitted application for Angel House (PA/12/02414) mentioned in the relevant planning history section of this report. The review by the Council's independent specialist has confirmed that the proposed Skylines building should not affect the opportunity to develop the site as the proposed residential facades achieve acceptable VSC levels.
- 9.152 A typical proposed residential floor for Angel House application indicates that accommodation can be provided as dual aspect, thus enjoying daylight from two directions, one of which would not be impacted by the Skylines proposal. Therefore even at the lowest residential floor the VSC levels achieved at Angel House would suffice to ensure that the proposed dual aspect accommodation would meet or exceed the minimum internal daylight levels for Average Daylight Factor.
- 9.153 On balance, the daylight and sunlight results for both the proposed and existing residential units and public spaces indicate that the scheme will deliver good levels of amenity for new residents, whilst ensuring the amenity of neighbouring properties is not unduly detrimentally affected.

#### Air Quality

- 9.154 Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP, Policy SP02 and SP10 of the CS and Policy DM9 of the MD DPD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 9.155 The Air Quality assessment (Chapter 11 of the Environmental Statement) suggests there are two key distinct elements regarding changes to air quality, during construction and the development itself. During construction it is intended that the construction process will be

managed in accordance with the Council's Code of Construction Practice, which clarifies a number of obligations to mitigate against potential air quality deterioration.

- 9.156 The statutory review and assessment of local air quality within the LBTH resulted in the entire Borough being declared an Air Quality Management Area (AQMA).
- 9.157 An assessment has been undertaken of potential impacts associated with the forecast changes in traffic flows on nearby access routes; dust and vehicular emissions during demolition and construction; and the anticipated emissions from vehicles associated with the completed development. The impact assessment has been updated to reflect the recently issued vehicle emissions factors. These vehicle emissions factors have been issued by the Department for Environment Food and Rural Affairs (Defra). The results of the updated assessment are presented in Chapter A15: Air Quality of the July 2012 ES Addendum.
- 9.158 Any air quality impacts arising from demolition and construction dust are predicted to be minor adverse at the nearest sensitive receptors, lasting only for the duration of the demolition and construction phase. An Environmental Management Plan will be prepared for the site prior to the commencement of any onsite works and will be agreed with the Council, which will include a whole suite of measures to reduce dust emissions.
- 9.159 It is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction Environmental Management Plan.
- 9.160 As such, the proposal is generally in keeping Policy 7.14 of the London Plan, Policy DEV2 of the UDP, Core Strategy Policy SP02, Policy DM9 of the MD DPD and the objectives of Tower Hamlets Air Quality Action Plan (2003).

#### Noise and Vibration

- 9.161 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 9.162 Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, Policies SP03 and SP10 of the CS and Policy DM25 of the MD DPD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 9.163 Significant policy changes have occurred since the original application including the withdrawal of PPG24 and the implementation of the Noise Policy Statement for England (NPSE). Whilst the development will be exposed to a significant amount of external noise from local railway, aircraft and road traffic, these have now been adequately addressed by the applicant with community spaces, producing noise breaks. Environmental Health has confirmed that the building should now be able to meet the requirements of BS8233 "Good Internal Noise Design Standard". Conditions are recommended to require reasonable levels of noise insulation, including glazing and adequate acoustic ventilation to meet our requirements, for a good internal living standard.
- 9.164 Facades of the rear blocks would be acoustically screened from Marsh Wall, Limeharbour and the DLR. The most affected blocks would be Blocks B, A1 and A2. These blocks are proposed to be designed with the lift core facing Limeharbour, to minimise the impact on habitable room and proposed façade attenuation measures and specifications would provide

adequate insulation for good resting and sleeping conditions in dwellings. It is recommended that the approval of these details is conditioned to facilitate detailed consultation with Environmental Health officers at a later stage.

- 9.165 The proposed development has considered the likely effects of noise both positive and negative on the local amenity and any sensitive receptors, the cumulative noise impact as part of the Environmental Impact Assessment and to mitigate any impacts. Conditions are also recommended which require the approval of noise insulation measures in consultation with Environmental Health, restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions, and requiring the submission for approval of hours of operation for any A1-A5 uses
- 9.166 As such, it is considered that the proposals are in keeping with the NPPF, policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD.

### **Transport, Connectivity and Accessibility**

- 9.167 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 9.168 Saved UDP policies T16, T18, T19 and T21, CS Policy SP08 & SP09 and Policy DM20 of the MD DPD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 9.169 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 (1 being poor and 6 being excellent). The site lies 200 metres to the east of South Quay Docklands DLR station, which has previously been upgraded/relocated to accommodate the three-car upgrade. Crossharbour DLR station is located 250 metres to the south of the site, and Canary Wharf Underground Station is 600 metres from the site to the northeast. Five bus routes can be accessed within 300 metres of the site (nos. 135, D3, D6, D7 and D8).

### Highways

- 9.170 The application proposes access to an underground car park and servicing area (off Limeharbour). The proposal also includes a lay-by which is off the public highway and is accessed from Limeharbour for incidental servicing and deliveries.
- 9.171 The submitted Transport Assessment demonstrates that the development will generate a net decrease of 3 AM peak hour and 13 PM peak hour two-way vehicle trips on the surrounding highway network compared to the existing business operation. The existing highway network in the vicinity of the site operates within capacity and this assessment shows that the development proposals can be accommodated on the surrounding highway network which have been accepted by both TfL and LBTH Highways.

### Servicing and Deliveries

- 9.172 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in the IPG and Core Strategy Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes.

- 9.173 The proposed layby off Limeharbour provides for most servicing and deliveries. The basement allows sufficient headroom for delivery and serving vehicles if required which are able to enter and exist in forward gear.
- 9.174 Servicing and deliveries would be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of the detailed scheme and further phases.

#### Waste, Refuse & Recycling

- 9.175 Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation.
- 9.176 Notwithstanding the above, the indicative scheme shows that within the residential block, residents have access to communal waste stores within the basement where they deposit their waste. Waste collection vehicles enter the basement and collect full bins from designated presentation areas or directly from the waste rooms. The inclusion of large lifts and ramps allows waste to be transferred from the basement to ground levels, where refuse vehicles, using the Limeharbour drop-off to minimise any impact on traffic flows, can collect the waste if required. Commercial waste would be stored and collected from the basement.

#### Car Parking

- 9.177 Policies 6.13 of the London Plan, Saved Policy T16 of the UDP, Policy SP09 of the Core Strategy and Policy DM22 of the MD DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 9.178 IPG Planning Standard 2 sets a policy maximum car parking ratio of 0.5 spaces per residential unit, where it can be shown that the proposed level would not result in a detrimental impact on the safe and free flow of traffic on the surrounding highway network. MD DPD Parking Standards sets specific parking levels for the Isle of Dogs. These levels are 0 parking for units of less than 3 bedrooms, and 0.1 for 3 bedrooms plus. It should be noted however that the recent Inspectors Report concluded that the DM DPD should specify parking levels according to PTALs rather than singling out Canary Wharf or the Isle of Dogs as separate geographic zones. He also recognised that minimal parking levels could have a materially adverse effect the viability of development.
- 9.179 The scheme proposes a maximum of 189 car parking spaces within a basement. All of these spaces are allocated for residential use (170 standard, 19 disabled). Spaces would be allocated to affordable housing units, according to the number of new residents which would qualify under the Council's Permit Transfer Scheme. This will be secured through planning obligation. The overall parking provision reflects a ratio of 0.25 spaces per residential unit which exceeds the current MD DPD policy but is considered acceptable by LBTH Highways on the basis that provision is made for those new residents who qualify for the Council's Permit Transfer Scheme. This is to prevent the exacerbation of existing parking stress levels on local roads. It is also justified by the fact that there are existing car parking spaces, the replacement of which is not considered to increase local traffic.
- 9.180 The residential parking is in accordance with LBTH IPG Planning Standard 2, which sets a policy maximum car parking ratio of 0.5 spaces per residential unit. However is in excess of the MD DPD Planning Standard 1 which allows for 0.1 spaces per family unit (3 bed plus), and no parking for smaller units which has been justified. Electric vehicle charging points are provided with each car parking space which will be secured by condition.
- 9.181 The Transport Assessment also considered the impact of the development upon the highway network. This assessment was based upon the initial proposal which included a total of 205

parking spaces (although 189 are now proposed) which indicated that Preston's Road roundabout is currently operating at capacity and will be over capacity in future years but the Council has already collected planning obligations from other developments for improvement works.

- 9.182 Notwithstanding the above, the LBTH Highways support the proposed parking levels subject on street parking permit-free agreement being secured through the planning obligations restricting new residents from securing parking permits (other than those qualifying for the Permit Transfer Scheme).
- 9.183 In addition to the above, further measures to discourage car use in this development proposal include 1,060 cycle parking spaces, improved pedestrian access and permeability within the site, together with financial obligations towards bus and DLR services and public realm improvements beyond the site boundary.
- 9.184 Accordingly, it is the view of officers that subject to securing the provisions outlined above, the proposed car parking on site is considered acceptable. It will serve to meet the demands of the proposed development, whilst not causing detriment to the free flow of traffic on the surrounding highway network.

#### Provision for Cyclists

- 9.185 The proposal includes improvements to the local cycle network through the inclusion of cycle routes through the development. In addition, a total of 1,060 cycle parking spaces are proposed within the development for all land uses, which complies with London Plan Policy 6.13.

#### Public Transport Improvements

##### *Docklands Light Railway*

- 9.186 TfL considers that it is likely that most trips will be made from South Quay DLR station. A programme of works has already been identified to improve this station, relating to the installation of additional lifts to improve accessibility. Whilst TfL has requested a financial contribution of £250,000, the applicants have refused to meet this request on the basis that the development would not increase capacity of the local public transport system and therefore does not meet the legal test for planning obligations.
- 9.187 A condition to provide information display boards or appropriate alternative real time information displays within the reception areas of the proposed development should be secured. This will assist the delivery of the travel plan mode share targets.
- 9.188 Given the height and proximity of the proposed development, TfL may require a contribution towards a signal booster to mitigate the impact of the proposals on the DLR radio communications. TfL therefore require the developer to conduct before and after tests of signal strength to allow TfL to assess the level of mitigation needed. The funding of any mitigation measures required as a result of the test will need to be secured via the Section 106 Agreement.

##### *Crossrail*

- 9.189 The development is required to make a contribution of around £2,343,285 towards the Mayor of London's Community Infrastructure Levy (CIL) which pools funds to help meet the cost of delivering Crossrail across London. CIL takes precedence over the Mayor of London's Crossrail SPG contribution, as the overall figure is higher.

##### *Buses*

- 9.190 The PTAL rating for the site is good. Five bus routes (135, D6, D8, D3 and D7) are within close proximity of the site, and the new South Quay DLR station is approximately 200m to the west of the proposal site. The site is also approximately 980m (12-13 minutes walk) from the Canary Wharf Underground station. The site has good pedestrian access to the aforementioned public transport modes via the adjacent Marsh Wall.
- 9.191 As the development site is within walking distance of Canary Wharf for the Jubilee Line, TfL assume a lower bus trip generation and therefore accept the lower figure of 39 bus trips. TfL have requested £224,700 towards London Buses, to be secured via the S106 Agreement.

#### Pedestrian Environment

- 9.192 The development will undoubtedly result in an increase in the number of walking trips, mainly due to the improved accessibility in and around the site. The proposal incorporates a new diagonal north-south route linking Marsh Wall and Chipka Street. The proposal seeks to ensure active retail frontages to the pavilion and residential overlooking of this route, ensuring a high level of passive surveillance.
- 9.193 The proposal would secure high quality public realm within the site, with high quality materials, the use of natural stone paving, lighting and street furniture. The applicants have also agreed to a financial contribution of £828,386 towards open space improvements. In addition, this development proposal will contribute to the following pedestrian improvements which will be secured through a S278 Agreement:
- A new urban square at the junction of Marsh Wall and Limeharbour, and new pedestrian routes linking East Ferry Road, Marsh Wall and Limeharbour.
  - Improved pedestrian crossing at junction of Limeharbour and Marsh Wall to be secured through a S278 Agreement.
  - 'Legible London' directional signage is also proposed to assist the pedestrian environment and general wayfinding through a financial contribution of £15,000
- 9.194 In addition, the introduction of a raised table and new pedestrian crossing via a S.278 highways agreement would further serve to improve the pedestrian experience along Marsh Wall and Limeharbour.
- 9.195 Conditions are recommended seeking full details of the improvement works to be delivered in addition to financial planning obligations towards public realm improvements.

#### Inclusive Access

- 9.196 Policy 7.2 of the London Plan (2011), Saved UDP Policy DEV1, Policy SP10 of the Core Strategy and Policy DM23 of the MD DPD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 9.197 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind.
- 9.198 With high PTAL levels and the provision of step free access routes, the proposed development would be accessible, usable and permeable for all. The proposed public realm strategy for the site, including the private and communal gardens, would be accessible to all (subject to access times as previously discussed).

#### **Energy & Sustainability**

- 9.199 At a National level, the NPPF encourages developments to incorporate renewable energy and to promote energy efficiency.
- 9.200 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green)
- 9.201 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 9.202 The information provided in the submitted energy strategy is principally in accordance with adopted climate change policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. The Council's Sustainability & Renewable Energy Team have commented that the proposed development will need to ensure it complies with draft Policy DM29 of the Managing Development DPD (Submission Version May 2012) with Modifications which requires:
- 2011-2013 = 35% CO2 emissions reduction;
  - 2013-2016 = 50% CO2 emissions reduction; and
  - 2016-2031 = Zero Carbon
- 9.203 The emerging Managing Development DPD, Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential development to achieve a minimum of BREEAM Excellent.
- 9.204 The Energy Statement (July 2012), follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The proposals are to link to the Barkantine District Heating System to supply the space heating and hot water requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions by 38% (Be Clean).
- 9.205 Photovoltaic cells are proposed to provide a source of on-site renewable energy (Be Green). The technologies employed would result in a 4.4% carbon savings over the regulated energy baseline. It is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is technically challenging and not feasible for all developments. The applicant has demonstrated that the proposed CO2 emission reduction through PV's (110m2 PV array) is the maximum that can be achieved from renewable energy technologies for the site. Whilst the proposed development is not meeting Core Strategy Policy SP11, the Sustainable Development Team support the application as the applicant has demonstrated that the design has followed the energy hierarchy and sought to integrate renewable energy technologies where feasible.
- 9.206 The total anticipated CO2 savings from the development are 38% (573 tonnes CO2 per annum), through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. The proposed energy strategy therefore exceeds the



requirements of Policy DM29 which seeks a 35% reduction in CO2 emissions. Therefore the CO2 savings proposed for this development are considered acceptable and it is recommended that the strategy is secured by Condition and delivered in accordance with the submitted Energy Statement.

- 9.207 In terms of sustainability, London Borough of Tower Hamlets requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating and all non residential development to achieve a BREEAM Excellent rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the London Borough of Tower Hamlets emerging Managing Development DPD.
- 9.208 The submitted Sustainability Statement (including Code Pre-assessment and BREEAM pre-assessment) details how the development will achieve a Code for Sustainable Homes Level 4 and BREEAM Excellent for the offices and retail elements. It is recommended that the achievement of a Code Level 4 rating for all residential units and BREEAM Excellent ratings for the office and retail elements are secured through an appropriately worded Condition with the Code for Sustainable Homes Final Certificates submitted to the Council.

## **Environmental Considerations**

### Contamination

- 9.209 In accordance with the requirements of the NPPF, saved UDP Policy DEV51 and Policy DM30 of the MD DPD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 9.210 The Council's Environmental Health Officer has reviewed the documentation and noted that further characterisation of the risks are necessary via a detailed site investigation. A condition to secure further exploratory works and remediation has been requested.
- 9.211 Council records show that the site and surrounding area have been subjected to former industrial uses which have the potential to contaminate the area. As ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated.

### Microclimate - Wind

- 9.212 Wind microclimate is an important factor in achieving quality developments, with appropriate levels of comfort relative to the area being assessed.
- 9.213 The submitted Environmental Statement assessed the microclimate of the proposed development and found that the majority of testing points were suitable for the purpose of the use (for example, amenity areas were suitable for sitting out and walking) during the summer season, with windier results for the worst case winter season. Appropriate mitigation can ensure that entrances to buildings are appropriate in microclimate terms and these can be conditioned. The results for the detailed element of the proposal are acceptable.

### Flood Risk

- 9.214 The NPPF, policy 5.12 of the London Plan, and policy SP04 of Core Strategy relate to the need to consider flood risk at all stages in the planning process.
- 9.215 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment and describes various potential flood mitigation options.
- 9.216 The application site lies within Flood Zone 3 as shown on the EA Flood Map. This zone

comprises of land assessed as having 1 in 100 or greater annual probability of fluvial flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. There are raised man-made flood defences along this stretch of the River Thames that protect the site against tidal flooding which has a 0.1% annual probability of occurring up to the year 2030.

- 9.217 The site levels are between 4m AOD and 5m AOD. As a result of this it is proposed that for part of the development levels will be raised to 5m AOD. Finished floor levels (FFLs) at ground floor, and basement entrances will be at a minimum level of 5.1m AOD. Based on the River Thames levels, this provides ground floor levels 300mm above the 1 in 200 tidal peak level for the year 2107. Safe refuge and evacuation routes from the basement and ground floor levels will also be provided. This has been agreed with the EA which has confirmed that the proposed mitigation is acceptable.
- 9.218 In order to meet with the regulatory and planning policy requirements to reduce rainwater run-off, an attenuation tank (located in the basement) will be installed at the Site to slow down the rate of surface water run-off. Increased requirements for water supply will be mitigated by providing water efficiency measures such as low flow fittings and metering. Rainwater will be recycled for use on gardens and grey water will be collected from residential units to be used for flushing of toilets to ground floor commercial units. In addition Thames Water Utilities Limited (TWUL) is implementing a series of measures to increase capacity and deal with waste water (e.g. including Thames Tunnel).
- 9.219 Subject to the inclusion of conditions as per the recommendation of the Environment Agency, it is considered that the proposed development by virtue of the proposed flood mitigation strategy complies with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the CS.

#### Biodiversity

- 9.220 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, Core Strategy Policy SP04 and Policy DM11 of the MD DPD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MD DPD also requires elements of living buildings.
- 9.221 Through the provision of a landscaping scheme that includes the creation of a biodiversity area, including native planting at ground level such as trees, scrubs and ornamental planting, the proposed development would provide an ecological enhancement to the local area.
- 9.222 Through planning conditions any impact to the existing biodiversity and ecology value can be minimised and the proposed development is not considered to have adverse impacts in terms of biodiversity. The development will ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies. Any trees lost alongside the boundary of the site will be replaced and retained trees would be protected.

#### **Health Considerations**

- 9.223 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the Borough.
- 9.224 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles and enhance people's wider health and well-being.
- 9.225 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
- Providing high-quality walking and cycling routes.
- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

9.226 The applicant has agreed to a financial contribution of £1,017,150 to be pooled to allow for expenditure on health care provision within the Borough.

9.227 The application will also propose public open spaces within the site. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby. This new open space will complement the surrounding area by introducing a new public square and potential route through to existing open space.

9.228 It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

### **Planning Obligations and CIL**

9.229 Planning Obligations Section 106 Head of Terms for the proposed development at the Skylines Village site, based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).

9.230 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) Are fairly and reasonably related in scale and kind to the development.

9.231 Regulation 122 of 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.

9.232 Securing appropriate planning contributions is further supported by saved policy DEV4 of the UDP and Policy IMP1 of the Council's IPG and policy SP13 in the Core Strategy which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

9.233 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in Policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

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

The Borough's other priorities include:

- Public Realm
- Health

- Sustainable Transport
- Environmental Sustainability

9.234 In order to ensure that the proposed development is deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council and through the course of negotiations the proportion of affordable housing has been secured at 35.7% affordable housing based on a social rent to intermediate split of 71% and 29% respectively. The independent advice includes a revised appraisal using alternative benchmark values to those used by the applicant. The revised appraisal produces a lower residual land value than the applicants own appraisal therefore the independent advice concludes that:

*“The development as proposed cannot support any additional affordable housing or financial planning obligations”.*

9.235 Officers are satisfied that the scheme viability has been appropriately and robustly tested. It is therefore considered that affordable housing and financial obligations have been maximised in accordance with London Plan (2011), Core Strategy (2010), Managing Development DPD (Submission Version May 2012) with Modifications and Planning Obligations SPD (2012).

9.236 Also factored into this was a maximum financial contribution secured through planning obligations (s106) of **£6,012,477** and in addition to this the proposed development would be liable for the Mayor of London’s CIL charge of approximately **£2.34 million**.

8.237 The applicant is able to meet the Planning Obligation SPD and other requests for financial contributions as set out below:

- A contribution of £277,020 towards enterprise & employment.
- A contribution of £668,039 towards leisure and community facilities.
- A contribution of £202,982 towards libraries facilities.
- A contribution of £2,269,169 to mitigate against the demand of the additional population on educational facilities.
- A contribution of £1,017,150 towards health facilities.
- A contribution of £828,386 towards public open space.
- A contribution of £23,385 towards sustainable transport.
- A contribution of £368,754 towards streetscene and built environment.
- A contribution of £224,700 towards TfL London Buses.
- A contribution of £15,000 towards wayfinding.
- A contribution of £117,891 towards S106 monitoring fee (2%)

9.238 Non-Financial Obligations

- 36% affordable housing, as a minimum, by habitable room
  - 71% Social Target Rent
  - 29% Intermediate

- Development viability review clause to secure any uplift.
- m) Employment and Training Strategy (including business retention/relocation initiatives)
  - n) Access to employment (20% local procurement; 20% local labour in Construction; 20% end phase local jobs)
  - o) Provision of real time DLR information board and testing and resolution of any communication issues arising (signal booster)
  - p) On Street Parking Permit-free development
  - q) Basement Car parking spaces for new residents eligible of the Council's Permit Transfer Scheme
  - r) Travel Plan
  - s) Code of Construction Practice
  - t) Off-site Highways Works
    - New raised table, pedestrian crossing and associated works Marsh Wall/ Limeharbour
  - u) Access to public open space during daylight hours
  - v) 24 Hours access to public square

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

#### **Localism Act (amendment to S70(2) of the TCPA 1990)**

9.239 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15<sup>th</sup> January 2012, Parliament has enacted an amended section 70(2) as follows:

9.240 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

9.241 Section 70(4) defines "*local finance consideration*" as:

- a) 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
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

9.242 In this context "grants" might include:

- a) New Homes Bonus;

9.243 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

- 9.244 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.
- 9.245 As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £2,343,285
- 9.246 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus 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. It is calculated as a proportion of the Council Tax that each unit would generate over a rolling six year period.
- 9.247 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £1,345,324 - £1,589,690 in the first year and a total payment £8,071,944 - £9,538,141 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

### **Human Rights Considerations**

- 9.248 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 9.249 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 9.250 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 9.251 Members need to satisfy themselves that the measures which are proposed to be taken to

minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

- 9.252 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.253 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.254 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 9.255 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

- 9.256 The Equality Act 2010 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. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. 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.
- 9.257 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 9.258 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 9.259 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, play areas and youth club, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 9.260 The contributions to affordable housing support community wellbeing and social cohesion.

## **10 Conclusions**

- 10.1 The proposed development would form an integral part of the Marsh Wall East site allocation to deliver the objectives of the Core Strategy. It provides much needed affordable






housing in a high quality, well designed, mixed use development. The proposals comply with the National, Regional and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.


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



# Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address
 Consultation Area	 Statutory Listed Buildings	0 15 m 

  
 1:4,500

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