

Committee: Strategic Development	Date: 6 March 2013	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Pete Smith		Ref No: PA/11/03617	
		Ward(s): 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 C 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 B Building A Plans – Typical Plans - sheet 1 1/250 A1
 PA/05/071 B Building A Plans – Typical Plans - sheet 2 1/250 A1
 PA/05/072 B Building A Plans – Typical Plans - sheet 3 1/250 A1
 PA/05/080 B 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:
Owner:

ZBV (Skylines) Ltd & Skylines (Isle of Dogs) Ltd
 Multiple Owners

Historic Building: N/A
Conservation Area: N/A

2.0 RECOMMENDATION

2.1 Whilst officers' views on the planning merits of the scheme remain unchanged, if Members are minded to refuse planning permission for this development, it is recommended that Members adopt the two reasons for refusal outlined in this report (see paragraphs 7.4 and 7.6 below).

3.0 BACKGROUND

3.1 This application for planning permission was reported to Strategic Development Committee on 24th January 2013 with an officers' recommendation for approval. A copy of the case officers' report and update report containing the summary of material planning considerations, site and surroundings, policy framework, planning history and material planning considerations is attached as Appendix 1 & 2 of this report.

3.2 After consideration of this previous report and the update report, the Members resolved not to accept the officers' recommendation and were reminded to refuse planning permission due to concerns over:

- The proposed height of the buildings;
- The excessive density – exceeding the maximum densities specified in the London Plan;
- The daylight and sunlight impacts of the proposed development on surrounding properties;
- The lack of child play space on site – specifically catering for the 11-15 age range;
- The impact of the proposed development on existing health services operating from the site and in particular, the existing drug and alcohol services;
- The general loss of employment uses on the site associated with the proposed redevelopment.

3.3 Although not included in the Members resolution not to accept officers' recommendation, other issues were raised that deserve further comment as part of this report. These other issues include the following:

- The size of proposed commercial units and the extent to which the local planning authority can limit the size of units for retail purposes (through restricting subdivision or enlargement of units for particular purposes);
- Refuse storage and collection arrangements.

3.4 In accordance with Rule 10.2 of the constitution and Rule 4.8 of the Development Procedure Rules, the application was deferred to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision. The proposed reasons for refusal and implications are set out at Sections 7.0 and 8.0 of this report.

4.0 INFORMATION UPDATE

Child Play Space and Communal Amenity Space Revisions

4.1 The Managing Development DPD (Policy DM4) applies the LBTH child yield calculations and the London Plan Supplementary Planning Guidance (which seeks to determine levels of children and young people's play and informal recreation play space) to arrive at an appropriate on site play space provision for all age groups, specifying 10sq m of play space to be provided for each child.

- 4.2 As Members will recall, the child yield associated with the Skylines proposals is expected to be in the region of 265 children (made up of 94 children under 4 years of age; 116 children between 5-10 years of age and 55 children between 11-15 years of age) and the area of concern concentrated on the lack of play provision set aside on site, specifically focussed towards the 11-15 age range.
- 4.3 Your officers have subsequently discussed this issue with the developer and their agents, with a view to providing on site play facilities to specifically cater for the needs of older children. The developer has agreed to provide some on-site play facilities to cater for the 11-15 year age group, whilst still meeting the space requirements for the 0-4 and the 5-10 age groups. Furthermore, the previously proposed communal amenity space was always proposed well above the specified standards and remains acceptable.
- 4.4 Details of the communal amenity and child play space requirements were set out within paragraphs 9.102-9.108 of the original Committee Report (Appendix 1) and within the Update Report (Appendix 2) which provided greater detail of the play space provision. The table below provides detail as to the amended play space provision, compared to the standards detailed in the London Plan and the Managing Development DPD.

	LBTH/London Plan/SPG Policy Requirement	Scheme Provision	Variance (+ or -)
Communal Amenity Space (LBTH policy)	804 sq.m	1483 sq m	+ 679sq.m
Child Play Space-Under 4	936sq.m	970 sq.m	+ 34 sq.m
Child Play Space-5-10	1157sq.m	1160 sq.m	+ 3sq.m
Child Play Space-11-15	558 sq.m	160 sq.m	- 398 sq.m (see paragraph 4.5 below)
Total	3,455 sq.m	3,773 sq.m	+ 318 sq.m

- 4.5 Members will recall that the applicant has set aside space within the proposed community-orientated floorspace (within Block B) to provide youth club facilities to also cater for the 11-15 age group. There has been encouraging dialogue with the Council's Youth Services, with a view of providing a bespoke youth facility within the development to complement open air play facilities for children aged between 11-15 years. This proposed indoor youth facility is proposed to be provided to shell and core (with internal partitions provided) with a peppercorn rent for a period of five years (but with the Youth Service required to meet service charges). If this dialogue continues to a successful conclusion, this space would provide an additional 750 sq metres of recreational/leisure facilities, making a combined total of 910 sq metres of facilities focussed towards the 11-15 age group, which could be taken into account when considering the extent to which this development caters for the play, leisure and recreational needs of the development as well as those of the immediate neighbourhood.
- 4.6 The general approach, in terms of the provision of play and informal recreation facilitated by new development, is informed by the London Plan Supplementary Planning Guidance entitled "Shaping Neighbourhoods: Play and Informal Recreation" (September 2012). In this document it states that in cases where child yield exceeds 80 children, as is the case in this instance, facilities for the under 10 years of age should be provided on site as well as facilities for older children (in the form of on-site youth space). Significantly, it states that possible variations could apply to reflect existing provision and it states that if the site is within 800 metres of existing facilities for the 11-15 year group, an off-site contribution may

be considered if in accordance with a play strategy. Whilst recognising the levels of on-site play provided as part of this development, including the availability of space within the community facilities floorspace for the provision of a youth club, the Skylines site is within 800 metres of St John's Park and Mudchute/Millwall Park, which both have facilities available for the 11-15 age group.

- 4.7 Referring back to the Supplementary Planning Guidance and following the amendments to the proposed on-site play facilities, this development would provide a good standard of on-site play facilities. The development would also provide a substantial financial contribution (£828,386) towards public open space improvements and a substantial financial contribution (£668,039) towards leisure and community facilities.

Health Services, Drug and Alcohol Services and Retention/Relocation Strategy for Existing Businesses

- 4.8 Following the previous Strategic Development Committee, officers have sought to fully understand the effect of the proposed redevelopment on the existing health services operating from the Skylines site, including drug and alcohol services and the relationship with the proposed retention and relocation strategy for existing businesses.
- 4.9 Your officers (along with the applicant) have met up with the various health service providers operating from Skylines Village (Young Persons Service – operating out of Unit 26; Tower Hamlets Community Alcohol Team - operating out of Unit 22 and the Island Day Programme – operating out of Unit 47).
- 4.10 Your officers have also engaged with colleagues who directly commission these services on behalf of the Council, working in partnership with other health providers. All three of these services occupy floorspace on the basis of an unsecured short term letting agreement or license.
- 4.11 The applicant has offered to deal with two of these existing services (Young Persons Service and the Island Day Programme) utilising the following strategies:
- Confirmation that the community support services (or any replacement service) can remain on site until the site is redeveloped;
 - Assist in any relocation the support service (or any replacement service) including meeting the cost of the relocation and paying any uplift in rent over and above what is being currently paid (for the interim period during the redevelopment);
 - Reserve adequate accommodation within the community facilities floorspace for these health related uses, meeting the relocation costs for the services to come back into the scheme with they elect to do so;
 - Give the community services a rent free period for two years on returning into the scheme and an agreement that the services will then pay the equivalent rent to that currently paid at Skylines, with this being secured for a 20 year period (with break clauses should the organisation decide to relocate elsewhere);
 - Provide an additional room within the community related floorspace that can be used by Alcoholics Anonymous and Narcotics Anonymous and by associated organisations that support family members.
- 4.12 Representatives of the Community Alcohol Team have advised that relocation into the proposed development would not be appropriate, in view of the specific requirements of the client group. Notwithstanding this, the applicant has offered best endeavours controlled through the S.106 Agreement, to find an alternative permanent site (which might be more conveniently located in relation to the client group) as well as to pay relocation costs and to meet the costs of any rental uplift until the proposed redevelopment is completed and available for occupation.

- 4.13 The existing Skylines Village is very much under-occupied with approximately 20 of the 59 units currently vacant, with the majority of which are on short term tenancies and licences. Members are reminded that the S.106 Agreement would incorporate a retention and relocation strategy for the remaining business on the site, including the following initiatives:
- Extended notice period for vacant possession
 - Financial assistance (£2,500) to help mitigate the costs associated with relocation
 - Free advice and assistance (for 6 months) to identify alternative accommodation
 - First right of refusal to occupy new SME space created in the new scheme
 - Transitional relief on rent to existing tenants (first year rent free and second year at half rent).
- 4.14 Furthermore, for the purposes of the S.106 Agreement, it has been suggested that the existing health related services be grouped into a general heading “Substance Mis-use and Abstinence Services for Adults and Children” to ensure that their specific requirements can be appropriately managed.
- 4.15 Finally, Members are reminded that the applicant has offered the full financial contribution towards the capital costs of new health facilities (£1,017,150).

5.0 FURTHER RESPONSE TO MEMBERS’ PREVIOUS CONCERNS

Density of Development

- 5.1 As previously advised, the proposed density of development of the proposed Skylines redevelopment equates to 1,574 habitable rooms per hectare and Members raised concern about how this relates to the London Plan’s residential matrix, which informs Policy 3.4 of the London Plan and seeks to optimise the housing potential of housing sites. The London Plan advises that it is not appropriate to apply the density matrix mechanistically and states that the density ranges are broad, enabling account to be taken of other factors relevant to optimising potential, including local context, design and transport capacity as well as social infrastructure, open space and play.
- 5.2 Further advice on the proper application of residential densities can be found in the London Plan Supplementary Planning Guidance entitled “Housing” (November 2012). There is a useful quote in the SPG which reads as follows:
- “One the other hand, the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of all the relevant design and management factors; if they are all met, the resultant figure is what it is and is arguably irrelevant. Anyone grappling with the thorny issue of density tends to go round in circles – moving between these two extreme positions”.*
- 5.3 The SPG advises that development outside these ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors.
- 5.4 The SPG also provides commentary on where sites border changes in character and setting (as is the case in respect of the Skylines application) and refers to terms such as “place shielding” as well as “place shaping”. Place shielding involves managing the interface between different places where new building on the edge of a site can help protect the surrounding areas from larger buildings. “Place shaping” means the use of wider planning, housing and economic development and management tools to create a successful place. Your officers are of the view that the proposed Skylines redevelopment provides an

opportunity for successful “Place shaping”.

- 5.5 Finally, the SPG states that where proposals are made for development above the density range, they must be tested rigorously, including different aspects of liveability related to the proposed dwelling mix, design and quality, physical access to services, long term management of communal areas and the wider context of the proposal including its contribution to local “placeshaping” as well as concerns over “place shielding”. It also refers to the need to take account of its impact in terms of design (exemplary), massing, scale and character in relation to nearby uses whilst requiring an assessment of the capacity of existing local amenities, infrastructure and services to support the development. The previous report outlined the reasons why the proposed density and form of development would be acceptable.
- 5.6 Whilst it is full acknowledged that developments should be considered on their own merits and the acceptability of residential densities need to take account of a wide variety of factors, approval of schemes in excess of the London Plan density ranges is not an out of the ordinary occurrence in Tower Hamlets, bearing in mind the Borough’s growth agenda (in terms of additional housing and affordable housing). Most cases are required to be considered “in the balance” with not all density criteria being fully satisfied. Your officers continually monitor and review planning permissions to determine and manage the housing growth agenda and also use this monitoring information to inform the Council’s Planning for Population Change and Growth Model, which underpins the on-going Infrastructure Delivery Plan and identifies infrastructure requirements to support the level of housing growth envisaged by the London Plan and the Core Strategy.
- 5.7 Whilst it is recognised that the Skylines scheme is not without its challenges, especially in managing the transition between the Canary Wharf cluster of taller buildings and the lower scale/density of development to the south east of the Skylines site, it is significant from a density of development point of view that the site is located within an Opportunity Area, as defined by the London Plan and the Canary Wharf Activity Area. The Core Strategy recognises the importance of this area in terms of the growth agenda and as highlighted in the previous report to the Strategic Development Committee, the Core Strategy (Appendix 2) advises that 12,980 new homes are expected to be delivered up to 2025 within the Cubitt Town, Canary Wharf and Millwall “places”. This is clearly the context for the scheme and the desire to create new sustainable “places” such as that proposed for the Skylines site.
- 5.8 It is also significant that the applicant has met all the S.106 planning obligations required by the Planning Obligations SPD and the development itself provides sufficient play space for the 0-10 year olds and arguably, complies with the play space requirements for older children. The scheme also provides significant public open space in the form of the public square and complies with other aspects of the London Plan’s Housing Supplementary Planning Guidance in terms of unit sizes and private and communal amenity space. It is acknowledged that the scale of development is quite different from the more traditional scale of development found to the south-east of the site, but the proposed development is designed to effectively manage this transition and will contribute positively in terms of “place-shaping” and will help link residential areas located to the south east of the site and the wider residential hinterland.
- 5.9 The Skylines site has the capacity to accommodate taller buildings, especially buildings located towards the north-western edge of the site at the junction of Limeharbour and Marsh Wall East where new active continuous street frontages will replace the current fragmented 1980’s townscape introducing a new piece in the Marsh Wall East jigsaw and contributing positively to the regeneration of this part of the Isle of Dogs. Bearing in mind the general residential densities that have been accepted in the vicinity of the site to deliver effective development, the majority of which have exceeded London Plan maximum densities, Members might wish to take this into account when finalising their views on this important scheme.

Daylight Impacts

- 5.10 The properties most affected by the proposed development, in terms of reductions in daylight, were listed in the previous report to Strategic Development Committee. With affected properties located to the south of the proposed development, issues have predominantly been focussed towards daylight impacts rather than sunlight effects. At the previous Strategic Development Committee, Members were particularly interested in the extent of daylight failures and the following paragraphs attempt to provide these further details.
- 5.11 As Members will be aware, the primary assessment for calculating daylighting effects utilises the Vertical Sky Component (VSC) method of assessment together with the No Skyline (NSL) method. With existing buildings, the general guide is that where the VSC is greater than 27%, then enough skylight should still be reaching the window of the existing building. The Guidance states that any reduction below this level should be kept to a minimum. If the VSC, with the new development in place, is both less than 27% and the reduction is greater than 20% of its former value, the occupants of the existing building will notice a reduction in the amount of skylight. The Guidance advises however that it should be interpreted flexibly, since natural lighting is only one of many factors in site layout design.
- 5.12 Referring to the previous report, Members will recall that the properties most seriously affected by the proposed development were 1-39 Aste Street, 1-6 Roffey Street, 6-13 Chipka Street and 26-44 East Ferry Road. Members requested more details as to the extent of failures, whilst acknowledging that the daylight reductions exceeded 40%.
- 5.13 The Sunlight and Daylight Report which accompanied the Skylines planning application (as amended) indicated the following daylight values and the % reduction.

1-39 Aste Street

- 5.14 Apart from 5 windows, the majority of Aste Street windows tested (108) currently fail the 27% VSC (average around 24%). The % daylight reduction ranged from between 39.25% to 58%, with 51 of the windows tested having reduced daylight of between 40-50% and 69 windows tested having reduced daylight of over 50%.

6-13 Chikpa Street

- 5.15 Apart from 15 windows, the majority of windows tested (68 windows) currently fail the 27% VSC. 20 of the windows tested had reduced daylight of between 40-50% whereas a further 26 windows tested had reduced daylight over 50%.

1-6 Roffey Street

- 5.16 30 of the windows tested (48 windows) exceeded the 27% VSC although the % reduction in daylight as a consequence of the development ranged between 12-22%, with 36 windows tested had reduced daylight in excess of 20% (albeit less than 22% in all cases).

26-44 East Ferry Road

- 5.17 Apart from 4 windows, the majority of the windows tested affected (29 windows) failed the 27% VSC standard. 6 of the windows tested (with the development) had reduced daylight in excess of 20% (ranging from between 20.10% to 26.63%).
- 5.18 It is acknowledged that the impact of this proposed development on daylight reaching neighbouring properties, especially those properties immediately adjacent to the site boundary (1-39 Aste Street and 6-13 Chikpa Street) is serious, especially with the existing

change in level between the application site and Aste Street and Chikpa Street properties and the existing impact of Skylines on levels of daylight already received by these properties. However and as previously argued, the demolition of the existing buildings already located on the boundary of these properties should help improve the outlook for these properties and in situations where there is a planned transition between differing build character, promoted and facilitated by a planned growth agenda, loss of daylight would need to be accommodated to enable the optimisation of the development potential of such sites. This approach has been previously adopted in a number of situations in Tower Hamlets. Members might wish to consider this further information as part of their further deliberations.

Loss of Employment

- 5.19 Whilst it is appreciated that the proposed development will not provide a similar level of business floorspace compared to existing provision, it is significant that existing accommodation is only partially occupied and in view of the layout and the compartmentalised design of the existing business park, it is likely that the proposed replacement commercial space, whilst providing less floorspace, will provide greater space flexibility for incoming business use and scope for higher employment densities compared to the existing situation (even if Skylines were to be fully occupied). The applicant has also met his full S.106 obligations, in terms of employment and training contributions (£227,020) and other non-financial employment and training obligations (access to employment during the construction and end user phase). These aspects, viewed alongside the relocation and retention packages offered to existing business (enhanced by bespoke offers to the health related services operating from the site and commissioned by the Council) should be considered in the round and would help mitigate against the minimal loss of business accommodation associated with this proposed redevelopment.
- 5.20 Members might wish to consider this further information as part of their further deliberations.

6.0 OTHER ISSUES

Size of Ground Floor/First Floor Retail Units

- 6.1 The size of the various commercial units (identified as flexible A1-A5 and B1 floorspace) includes units of 35 sq.m and 68 sq.m in area, through to 135 sq.m, 199 sq.m and 225 sq.m sized units with the largest unit (on two floors) providing in the region of 500 sq.m. At the previous Strategic Development Committee, there were questions about the potential size of these units and a request to limit the unit sizes (if used for retail purposes) in order to limit the scale of occupation by multiple retail operator (especially supermarket operators).
- 6.2 Policy DM1 of the Managing Development DPD seeks to direct retail uses to the Borough's major, district and neighbourhood centres and allied to this, Policy DM2 seeks to control the scale of local shopping outside town centres, making sure that the form and scale of retail is appropriate to the locality. The supporting text to this policy advises that a shop which is local in nature should not exceed 100 sq.m(GIA); equivalent of two small shop units.
- 6.3 With this being the case and in view of the size of some of the flexible units proposed as part of this development, the issue previously raised could be accommodate through the use of a planning condition, limiting the size of units that may be occupied for retail purposes, to 100sq (GIA). This restriction would not apply to A2-A5 uses or B1 uses, as the policy only relates to retail uses.

Refuse Storage and Collection

- 6.4 A final issue that was raised previously by Strategic Development Committee was confirmation of the proposed refuse storage and servicing arrangements. Referring to the basement and ground floor plans, it is the intention to store refuse within the basement, within

specially designed storage areas, with the refuse either being collected from within the basement servicing area or at ground floor level (via the off street servicing bay located off Limeharbour) with refuse being transported from the basement storage accommodation. The previous recommendation to grant planning permission included a condition requiring approval of a bespoke Waste Management Plan for the site.

7.0 CONSIDERATION OF REASONS

- 7.1 Members raised six areas of concern (as highlighted in paragraph 3.2 of this report) on which they resolved that they were minded to refuse this application. Outlined below are suggested reasons for refusal based on these concerns, followed by officer's comments and advice pertaining to each of the proposed reasons.
- 7.2 Officers are recommending that two reasons for refusal should be carried forward by Members (as set out in paragraphs 7.4 and 7.6 below) when refusing the application, as a number of the specific issues previously raised, including height and scale of development, daylight impacts and lack of playspace, arise out of the concerns raised in respect of the proposed density of development. One reason for refusal refers to overdevelopment with the other referring to the loss of employment floorspace and the failure of the development to properly mitigate the loss of employment. These two reasons for refusal incorporate the concerns raised by Members at the previous Strategic Development Committee.
- 7.3 These two reasons for refusal should be able to be sustained on appeal, although an award of costs cannot be ruled out if it can be proven that the Council, in refusing planning permission, has acted unreasonably.

Suggested Reasons for Refusal

Reason 1

- 7.4 The proposal represents an overdevelopment of the site, in excess of the density ranges outlined by Policy 3.4 of the London Plan (July 2011) and the associated Supplementary Planning Guidance "Housing" and results in a scale, form and height of development which fails to adequately deal with the transition in built character between the Canary Wharf tall buildings cluster and the lower density development that lies outside the Canary Wharf Activity Area, fails to provide adequate play space for all age groups and leads to a material loss of daylight to neighbouring residential occupiers, contrary to Policies 3.4, 3.6, 7.1, 7.4 and 7.7 of the London Plan (July 2011), saved Policy DEV1 of the adopted Unitary Development Plan (1998), Policies SP02 and SP10 of the Core Strategy (2010), Policies DM4, DM24 and DM25 of the Managing Development DPD (Submission Version May 2012) with modifications and Policies DEV1, DEV2, HSG1 and DEV27 of the Interim Planning Guidance (2007) and as a result, it is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework.

Officer's Comments

- 7.5 This report has previously commented on the issues of residential density, the provision of child play space (following amendments to the scheme proposed by the applicant) and the impact of the development on daylight received by properties bounding the site.

Reason 2

- 7.6 The proposed redevelopment of the existing Skylines Village will lead to a net loss of B1 (Business) floorspace, contrary to Site Allocation 20 "Marsh Wall East" as identified in the Managing Development DPD (Submission Version May 2012) with modifications which states that development should re-provide and intensify existing employment floorspace, saved Policies EMP1 and EMP3 of the Unitary Development Plan (1998), Policy SP06 of the

Core Strategy 2010, Policy Ee2 of the Interim Planning Guidance (2007 and Policy DM15 of the Managing Development DPD (Submission Version May 2012) with modifications and as a result, it is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework.

7.7 Officer Comments

Again, this report has previously commented on the employment issues associated with this scheme, the likely level of additional employment likely to be forthcoming as a consequence of this new form of employment space specifically focussed towards Small to Medium Sized Enterprises and the bespoke retention and relocation packages being offered by the applicant (specifically those being offered to existing health service providers operating from the site and commissioned by the Council).

8.0 IMPLICATIONS OF THE DECISION

8.1 Following the refusal of the application the following options are open to the Applicant. These would include (though not be limited to):

1. The applicant could appeal the decision and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

“Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council”.

2. There are two financial implications arising from appeals against the Council’s decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour”. Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests of CIL Regulations 2010 (Regulation 122)
3. A future “call in” by the London Mayor or a future appeal should it be successful, might result in the developers being able to provide affordable rented housing at up to 80% of market rents across this site, as opposed to the current proposed offer at social target rented accommodation (especially in view of the Planning Inspector’s Report which dealt with the Examination In Public into the Managing Development DPD). Similarly, the developer may elect to either renegotiate planning obligations previously agreed or prepare a unilateral undertaking for a subsequent appeal which might well result in a lesser S.106 planning obligations package (both in terms of financial and non-financial obligations negotiated by your officers).

8.2 Whatever the outcome, your officers would seek to defend any appeal.

9.0 CONCLUSION

9.1 All relevant policies and considerations have been taken into account. Whilst officers remain satisfied that planning permission for this proposed development should be **GRANTED**, subject to the direction by the London Mayor, the S.106 Agreement (including a new head of agreement to accommodate the health related services currently operating from Skylines), the amended drawings which now indicate on site play facilities for the 11-15 age group and planning conditions (including the additional condition seeking to limit the size of units used for retail purposes (100sq.m GIA)), Members are directed to the draft reasons for refusal and officers comments, viewed alongside the previous report and update report

presented to the Strategic Development Committee on 24th January 2013 (see Appendices 1 and 2) and determine the planning application as appropriate.

10.0 APPENDICES

- 10.1 Appendix One - Committee Report to Members on 24th January 2013
- Appendix Two – Update Report to Members on 24th January 2013

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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