

<b>Committee:</b> [Strategic] Development	<b>Date:</b> 13 <sup>th</sup> June 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Beth Eite	<b>Ref No:</b> PA/12/03248
	<b>Ward:</b> Millwall (February 2002 onwards)

1. **APPLICATION DETAILS**

**Location:** City Pride Public House, 15 Westferry Road, London, E14 8JH

**Existing Use:**

**Proposal:**

Erection of residential (Class C3) led mixed use 75 storey tower (239m AOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.

**Drawing Nos/Documents:** Drawings

P-SL-C645-001 rev A, P-S-C645-001 rev B, P-LC-C645-001 rev A, P-L- C645-001 rev A, P-B2-C645-001 rev F, P-B1-C645-001 rev F, P-00-C645-001 rev G, P-01-C645-001 rev F, P-T0A-C645-001 rev D, P-T0B- C645-001 rev D, P-T1A-C645-001 rev B, B-T1B-C645-001 rev B, P-AM1-C645-001 rev E, P-T2-C645-001 rev E, P-T3-C645-001 rev E, P-AM2-C645-001 rev E, P-T4-C645-001 rev E, P-T5-C645-001 rev E, P-T6-C645-001 rev E, P-T7-C645-001 rev E, P-75-C645-001 rev E, P-R-C645-001 rev E, P-LC-C645-001 rev B, P-L-C645-001 rev B, P\_AM\_C645\_001 rev B, P\_AM\_C645\_002 rev B, P\_TY\_D811\_001 rev A, P-TY-D811-002 rev A

E-JA-E-C645-001 rev A, E-JA-N-C645-001 rev A, E-JA-S-C645-001 rev A, E-JA-W-C645-001 rev A, E-01-C645-001 rev A, E-CE-N-645-001 rev A, E-CE-S-645-001 rev A, E-CE-W-645-001 rev A, E-E-C645-001 rev C, E-N-C645-001 rev C, E-S-C645-001 rev C, E-W-C645-001 rev C, S-NS-C645-001 rev C, S-EW-C645-001 rev C

E-BS1-C645-001 rev C, E-BS2-C645-001 rev C, E-BS3-C645-001 rev C, E-BS4-C645-001 rev C, E-BS5-C645-001 rev C, D\_00\_C645\_001 rev A, D\_01\_C645\_001 rev A, D\_02\_C645\_001 rev A, D\_03\_C645\_001 rev A, D\_04\_C645\_001 rev A

Documents

Design and access statement dated 10/12/12, Design and access statement addendum dated 22/2/13, Environmental Statement 'Non Technical Summary' dated 10/12/12, Environmental Statement volumes I, II and III dated 10/12/12, Environmental Statement Addendum dated 22/2/13, Sustainability statement

dated 10/12/12, Planning Statement dated 10/12/12, Planning Statement, Addendum dated 22/2/13, Transport Assessment dated 10/12/12, Energy Statement dated 10/12/13.

Response to review of the ES by URS dated 27<sup>th</sup> March 2013, Response to highways comments dated 1<sup>st</sup> March 2013, Response to TfL letter dated 13<sup>th</sup> February 2013, Response to energy officer comments by Hoare Lea dated March 2013, Canal and River Trust response by GVA dated March 2013, Response to Technical note dated 20<sup>th</sup> March 2013, Generic quantitative risk, environmental assessment and remedial recommendations dated Nov 2012, Acoustic strategy report by Sandy Brown consultants ref 12305-R01-A, Ground investigation report by WSP dated 16/8/12, Phase I Geo, Environmental Assessment from WSP dated April 2012, Aviation Safeguarding and Aircraft collision risk assessment ref P1016/R1/Issue 1 dated Feb 2013.

<b>Applicant:</b>	Chalegrove Properties Limited
<b>Ownership:</b>	Landmark North Ltd and UK Power Network Holdings
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	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 adopted Core Strategy (2010), Managing Development Document 2013 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 Document 2013.
- 2.3 The development, in combination with PA/12/03247 would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing in accordance with policies 3.8, 3.10 and 3.12 of the London Plan 2011, policy SP10 of the Core Strategy 2010 and policies DM3 and DM4 of the Managing Development Document 2013 which seeks to ensure development provide a mix of housing which meets the needs of the local population and provides a minimum of 50% affordable housing (subject to viability).
- 2.4 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 Development Plan Document (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
- 2.5 The urban design, layout, building height, scale and bulk and detailed design of the tower are considered acceptable and in accordance with Chapter 7 of the London Plan (2011); Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM27 of the Managing Development Document 2013 which seek to ensure buildings and places are of a

high quality of design, suitably located and sensitive to the locality.

- 2.6 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), policy SP02 of the Core Strategy (2010), policy DM24 and DM25 of the Managing Development Document 2013 which seek to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.
- 2.7 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, and as such the proposal accords with policy SP10 of the Core Strategy (2010 and policy DM25 of the Managing Development Document 2013 which seek to ensure development does not have an adverse impact on neighbouring amenity.
- 2.8 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), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development Document 2013 which seek to improve amenity and liveability for residents.
- 2.9 Transport matters, including parking, access and servicing are acceptable and accord with policy 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policy SP09 of the Core Strategy (2010), policies DM20 and DM22 of the Managing Development Document 2013 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 2013 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 SP12 of the Core Strategy 2010 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 £201,376 towards enterprise & employment.

b) A contribution of £596,451 towards leisure and community facilities.

c) A contribution of £168,269 towards libraries facilities.

d) A contribution of £341,498 to mitigate against the demand of the additional population on educational facilities.

- e) A contribution of £1,010,238 towards health facilities.
- f) A contribution of £1,180,522 towards public open space.
- g) A contribution of £19,860 towards sustainable transport.
- h) A contribution of £304,120 towards streetscene and built environment, including highways improvements.
- i) A contribution of £200,000 towards TfL London Buses.
- j) A contribution of £100,000 towards wayfinding.
- k) A contribution of £20,000 towards realtime display boards
- l) A contribution of £82,846 towards S106 monitoring fee (2%)

**Total: £4,225,180**

### 3.3

#### Non-Financial Obligations

- a) 37% affordable housing (across both City Pride and Island Point sites), as a minimum, by habitable room
  - 61% Social Target Rent (family sized units)
  - 11% Affordable Rent at POD levels (one and two bedroom units)
  - 29% Intermediate Housing
- b) Employment and Training Strategy
- c) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- d) On Street Parking Permit-free development
- e) Electric Vehicle Charging Points
- f) Travel Plan
- g) Code of Construction Practice
- h) Off-site Highways Works: Improvements within the vicinity of the site and along Marsh Wall towards South Quay DLR station
- i) Public access to roof of amenity pavilion
- j) Public access to 75<sup>th</sup> floor two weekends each year between 10am and 5pm. To be advertised in local press.
- k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- l) Completion and delivery of affordable housing scheme on Island Point prior to the occupation of units on City Pride.

- 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**

3.6 Prior to Commencement' Conditions:

1. Construction management plan
2. Surface water drainage scheme
3. Impact studies of existing water supply

3.7 Prior to works about ground level conditions:

4. External materials
5. Noise and vibration details
6. Landscaping
7. Visitor cycle parking
8. Crain heights / aircraft obstacle lighting
9. Details of external lighting

3.8 Prior to Occupation' Conditions:

10. Contaminated land
11. Car parking management plan
12. Delivery and servicing plan
13. Code for sustainable homes
14. CCTV and lighting plan

3.9 'Compliance' Conditions –

15. Permission valid for 3yrs
16. Development in accordance with approved plans
17. Energy
18. Electric vehicle charging points
19. Cycle parking
20. Lifetime homes
21. 10% Wheelchair housing
22. Laminated glass to be installed
23. Information display boards in reception area
24. Hours of construction
25. Hours of construction for piling operations
26. Serviced apartments to be occupied for no more than 90 days.

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

3.11 **Informatives:**

- S106 planning obligation provided
- Consent under s57 of the Town and Country Planning Act 1990.
- Advertisement consent required for signage
- Details regarding how to discharge surface water drainage condition.
- Requirement for a s278 agreement.
- No bus stops to be moved without prior consent from TfL.

- 3.12 Any other informative(s) considered necessary by the Corporate Director Development

## &Renewal

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

## 4 PROPOSAL AND LOCATION DETAILS

### Site and Surroundings

- 4.1 The application site is located to the north of the Isle of Dogs, east of the River Thames and west of the main Canary Wharf cluster. It is approximately 300m south of Westferry Circus and has a boundary on both Westferry Road and Marsh Wall. It is 0.28ha and is currently vacant. The City Pride public house previously occupied the site, this ceased trading on May 2012 and was demolished in late 2012 as part of the extant consent on the site.
- 4.2 To the north of the site is a single storey pumping station. To the south is the Landmark development which comprises of 4 buildings ranging between eight and 44 storeys in height. The closest building to the application site is 30 storeys. These buildings are predominantly residential with some commercial elements on the ground floors. To the west, beyond Westferry Road, are two residential developments – Quayside which is 3-4 storeys in height and Cascades which fronts the river Thames and is up to 20 storeys.
- 4.3 The site is located within the Tower Hamlets Activity Area, where a mix of uses are supported. The site lies within Flood Zone 3, the River Thames is approximately 100m to the east. There are no listed buildings on the site and the nearest conservation area is West India Dock 500m to the north.
- 4.4 The site has a Public Transport Accessibility Level of 5 which is 'very good'. It is approximately a five minute walk to Heron Quay DLR station and 10 minutes to Canary Wharf. A number of bus routes pass the site, the D7, D3, 135 and N550 run along Westferry Road and the D8 runs along Marsh Wall.

### Proposal

- 4.5 The application proposes the erection of a 75 storey residential-led mixed use building. The total height would be 239m (Above Ordnance Datum) and would comprise of the following:
- 752 residential units (Use Class C3) of which 70 would be within the shared ownership tenure;
  - 162 serviced apartments (Use Class C1&3,359 GIA);
  - Retail (Use Class A1) 240sqm (GIA)
- A double/two-level basement is also included in the proposal which would contain associated car parking spaces, motorcycle spaces, cycle parking, associated plant, storage and refuse facilities.



(View of City Pride from west. Includes consented schemes – shown in grey)

- 4.6 41 car parking spaces are provided within the basement (13 of which are disabled spaces), these are located within the first basement and are accessed through a car lift, the entrance to which is to be from Westferry Road. 904 cycle spaces are provided within the second basement. This is also where the plant and refuse store is located.
- 4.7 At ground level the main tower covers the western portion of the site, it is rectangular in shape with the long end of the building facing east and west, the shorter portion therefore faces north and south. The remainder of the site comprises various landscaping works are access round the building as well as an amenity pavilion.
- 4.8 The amenity pavilion has an approximately triangular shape, the ground floor would consist of a café and some play space for 0-3 year olds. A green roof is proposed which would essentially lift up from ground level to provide a publicly accessibly space overlooking the dock (see image below).



- 4.9 The scheme would be linked via a legal agreement to another development by the same applicant at 443-451 Westferry Road which is also to be determined. This site provides 173 residential units all of which are either shared ownership or affordable rent / social rented

units (PA/12/03247). 37% affordable housing would be provided across the two sites which is a total of 243 affordable homes (951 habitable rooms).

## 5 Relevant Planning History

- 5.1 There is an extant consent on the subject site for a 62 storey tower comprising 430 residential units and a 209 bedroom hotel (PA/08/02293). This was granted on 27<sup>th</sup> October 2009 and a certificate of lawfulness was granted on 11/2/2013 (PA/12/3342) confirming that the development has been lawfully implemented. This proposal also included provision of commercial use on the ground floor of approximately 1,300sqm (GIA) which was flexible space of A1 – A4 uses.



(East elevation and ground floor plan of extant scheme).

- 5.2 The extant consent was 215m (AOD) compared to 239m (AOD) under the current proposal. The site coverage was greater under the extant scheme with a greater degree of servicing required for the hotel use. No amenity / open space at ground floor level.
- 5.3 This site was also linked via a legal agreement to the site at 443-451 Westferry Road (PA/08/02292) to provide affordable housing.
- 5.4 The tables below compare the extant scheme with the proposed scheme in terms of residential housing numbers:

	<b>City Pride (extant)</b>	City Pride (proposed)	<b>Island Point (extant)</b>	Island Point (proposed)
Market units	<b>412</b>	752	<b>23</b>	0
Shared ownership units	<b>18</b>	70	<b>48</b>	31
Affordable Rent/Social Rented units	<b>0</b>	0	<b>118</b>	142
<b>Total residential housing</b>	<b>430</b>	822	<b>189</b>	173

- 5.5 The extant scheme provided a combined total of 41.5% affordable housing, whereas the proposed scheme provides a combined total of 37% affordable housing. Overall however, there is a total increase in affordable habitable rooms by 201 compared to the extant scheme across both Island Point and City Pride. In actual housing numbers, this is a total increase from 184 under the extant scheme compared to 243 under the current scheme. Within the Island Point specifically scheme there are 24 additional units (or 52 additional affordable habitable rooms) compared to the extant scheme.



## 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:

### 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:		Canary Wharf Vision, Priorities and Principles

### Managing Development Document (2013)

Allocations:

Proposals:

Flood risk area

Activity Area

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
- 4.5 London’s visitor infrastructure
- 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  
Housing Supplementary Planning Guidance Nov 2012  
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

## **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 Environmental Health**

#### Contaminated Land

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

#### Noise

7.4 The development will be exposed to a high degree of noise from Westferry Road traffic, London City Aircraft noise and local Thames noise; as such the development will fall into a SOAEL as defined in the Noise Policy Statement for England (NPSE).

7.5 Environmental Health are of the opinion that suitable noise insulation measures could be incorporated to address these issues at facades exposed to high noise levels along the Westferry Road. Full details will be required of the acoustic noise insulation and ventilation; we would also not recommend the use of trickle vents on the main road, unless they have been approved in cooperation with environmental protection. Mechanical acoustic ventilation should be used on these façades to ensure that windows can remain closed whilst in occupation.

7.6 The noise insulation of the glazing is not defined, although its specification should be approved so as to ensure that the "good" internal design standard of BS8233 is met at all times.

- 7.7 Should Planning be minded to grant this application, we would recommend that the building insulation, including glazing and acoustic ventilation is approved by environmental protection. We would also require the details of any M&E Plant, deliveries and waste management, any external areas should also meet the requirements of the WHO standard.

(OFFICER COMMENT: The applicant has confirmed that there will be no use of trickle vents. The glazing would meet the BS8233 criteria and relevant conditions would be placed on any approval granted.)

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

- 7.8 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 stores

(OFFICER COMMENT: Full planning obligations have been agreed in response to these requests).

### **LBTH Energy Efficiency**

#### Energy

- 7.9 The Energy Statement (dated 10/12/2012) and additional information (Response to Officer Comments Rev A) follows the Mayor's energy hierarchy. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and reduce CO2 emissions by 7%.
- 7.10 A communal heating system is proposed which includes linking into the Landmark CHP (by extending its full-load-equivalent running hours); installing a new City Pride CHP unit (expected capacity of around 160kWe); and top-up and at peak time loads met through high efficiency gas boilers. The current proposals for delivering the space heating and hotwater are considered acceptable and should be secured through an appropriately worded condition.
- 7.11 There are no renewable energy (Be Green) technologies proposed for the site. The sustainable development team wish to see renewable energy technologies integrated into the scheme where feasible as required by Core Strategy Policy SP11. The applicant has demonstrated that the roof area and facades are not appropriate for this scheme. This is accepted as the total anticipated CO2 savings from the development are 35% through a combination of energy efficiency measures and communal heating system.
- 7.12 The submitted information commits to achieving a Code 4 rating, and a pre-assessment demonstrating this level is deliverable has been submitted. It is recommended that achievement of the excellent rating is secured through an appropriately worded Condition with the final certificate submitted to the Council prior to occupation.
- 7.13 (OFFICER COMMENT: The application does not fully comply with the 'be green' part of the Mayor's hierarchy due to the difficulties of incorporating renewable technology into the building. Photovoltaic panels were considered, however these have a significant impact upon the

maintenance of the tower and would reduce light and outlook to the residential units. They would also have an impact upon the design and appearance of the building. The carbon dioxide emission reduction from the development exceeds the London Plan and meets the Managing Development DM29 policy and is therefore considered acceptable regardless of the lack of renewable technology.

### **LBTH Highways**

- 7.14 **Car parking**  
The development should be a permit free development so the future residents are not able to apply for on-street parking permits.
- 7.15 The policy maximum for car parking at this site is 82 spaces. 40 are proposed, 13 of which are disabled spaces which exceeds the 10% minimum. As such the car parking provision is acceptable.
- 7.16 Car parking is provided within the basement and would be accessed from Westferry Road. The design of the car parking entrance, via two lifts, is acceptable, however a car parking management strategy should be conditioned to ensure blue badge holders are allocated on-site spaces and how the car park lift will operate to ensure vehicles are not forced to wait on Westferry Road or to reverse back onto Westferry Road from the waiting area in front of the car lift.
- 7.17 **Cycle parking**  
904 cycle parking spaces are provided which meets the policy minimum. They are located within the basement which offers secure and covered storage. The cycle storage is in double stacked storage facilities with a small amount of Sheffield stands. This is acceptable providing the racks are not vertical hanging stands.
- 7.18 Further details have been provided to show that a gully along the stair case would be provided for wheeling bicycles and the lift to the basement has been increased to allow two cyclists and bikes access to the basement at one time. This is considered to be an acceptable arrangement.
- Servicing**
- 7.19 The development is to be serviced from the private road between City Pride and Landmark. This is acceptable in principle and a servicing management plan would be included as a condition.
- 7.20 **Trip Generation.**  
The vehicular trip generation from the development would be minimal. The pedestrian movements are however likely to be significant with an additional 473 pedestrian movements in the am peak and 328 in the pm peak. In order to mitigate the impacts of this, a financial contribution of £250,000 is requested towards the improvements in the public realm in the vicinity of the application site and on the approach to South Quay station.
- 7.21 **Travel Plan**  
A draft travel plan has been submitted which outlines the measures that will be taken to encourage more sustainable forms of transport. This is acceptable, subject to a more details travel plan being submitted via a condition.
- 7.22 **Construction**  
The construction of the building will require a significant number of deliveries which will place the highway under additional stress. A construction logistics plan is requested via condition to minimise the impact upon the highway.

(OFFICER COMMENT: The conditions requested above are all included with the

recommendation and the financial contributions of £250,000 have been agreed).

#### **LBTH Arboricultural Officer**

7.23 Inadequate tree planting scheme in terms of units proposed trees to be planted - a minimum acceptable level would be one new tree to be planted for each unit built.

7.24 (OFFICER COMMENT: Given the number of units which are proposed within the development (822) it is considered unreasonable to request one tree per additional unit. Landscaping has been proposed within the site and street trees are also proposed. This is considered to be satisfactory.

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

7.25 PCT have confirmed the HUDU model requires:  
A Capital Planning Contribution      £1,222,743  
A Revenue Planning Contribution      £4,660,080  
This is a combined figure for both the City Pride and Island Point sites.

(OFFICER COMMENT: Planning obligations have been negotiated which meets the request for capital contributions). Revenue contributions are not sought as the contribution is only required to accommodate a 3 year funding gap prior to the onset of national funding which is based on population data.

#### **Canal and River Trust**

7.26 Position and layout: The proposed 75 storey tower would appear overbearing in the setting of this 1920's structure. A greater set-back is therefore requested.

7.27 (Officer response: The principle of a tall building on this site has been accepted and given the restricted nature of the site it is not possible to position it further away from the pumping station and still have an acceptable impact upon the residents of Landmark. It should also be noted that the proposed building is further from the pumping station than the extant scheme.)

7.28 Transportation and access: There must be no structural movement in the pumping station as a result of the development and the site-specific construction environmental management plan must be agreed prior to the commencement of the development.

7.29 (Officer response: The applicant has agreed to enter into discussion with the Canal and River Trust regarding impact upon the structure of the pumping station and the construction plan. A construction environmental management plan would be requested by condition.)

7.30 Waterborne Freight: In the interests of sustainable development the use of water-borne transport should be considered with the development serviced from the adjacent dock.

7.31 (Officer response: The site is not located adjacent to the dock and as such materials would need to be lifted over Marsh Wall. This has potential health and safety implications that will need to be considered post application stage through the submission of the construction management plan)

7.32 Neighbouring amenity: There is concern that the noise from the pumping station, including its emergency generator may affect the amenities of the future residents, leading to complaints which could then threaten the essential use of the facility. As a result a contribution of £50,000 is requested towards noise insulation measures and landscaping around the pumping station be secured.

7.33 (Officer response: The facades of the development are to be constructed to a standard which mitigates against the noise of road and air traffic and also to any other external noise generating items, including the pumping station. This would be subject to review by the Environmental Health department through a condition. It is not considered necessary to request any additional noise mitigation measures. It is also considered that the inclusion of landscaping around the pumping station would not be necessary to make the application acceptable. It should however be noted that the applicant is in talks with the Canal and River Trust, outside of the planning application, to negotiate some landscaping of the area to the front of the pumping station)

7.34 Sustainability: The use of the canal water for heating and cooling is encouraged

(Officer response: The site is not adjacent to a dock so logistically this is difficult, it also has potential impacts upon biodiversity. Finally, the energy strategy has discounted this method due to the high level of efficiency of the combined heat and power plant).

### **English Heritage**

7.35 The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

(Officer response: The councils design and conservation team have been closely linked in to the pre-app relating to the proposal, and have provided comments that do not object to the proposal. Design matters are discussed in more detail in the paragraphs 9.14 to 9.38 )

### **Environment Agency**

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

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

(Officer response: The requested condition has been attached as detailed above in section 3 of this report)

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

7.37 The GLA have provided a stage I response which covers both the City Pride and the Island Point application. Their summary of the schemes are as follows:

7.38 Principle of the development

Whilst the provision of a residential led development of these sites is supported in principle further discussions is needed regarding the provision of social infrastructure in the wider area and associated section 106 contributions and the tenure of the donor site.

7.39 (Officer response: The applicant is providing full s106 contributions in accordance with the Councils SPD in order to mitigate the impacts of the development. Council officers are working to identify sites for new schools and health centres within the borough and a number have been identified within the MDD. Officers are satisfied that this development would have an acceptable impact upon social infrastructure)

### **Housing**

7.40 The donor site should be amended to include an element of market housing. The rented units should be affordable rent rather than social rented units. Further discussion is needed on

viability

7.41 (Officer response: The housing offer seeks to maximise the amount of affordable housing provided by the development and the review of the viability has confirmed that the 37% offered is greater than the current conditions allow for as 35% is all that is viable. Officers are satisfied that the development offers a good mix of social rent for the much needed larger family units, affordable rent for the one and two bedroom units and a substantial number of shared ownership units. Both London Plan and local policies allow for the provision of both social and affordable rent and it is therefore considered that the development complies with those policies.)

Child Playspace

7.42 With regard to the Island Pointsite the applicant should set out the capacity of the off-site older children play spaces the development will rely upon and whether they are in need of upgrade.

7.43 (Officer response: The landscaping report provided with the design and access statement details the play spaces within 400m and 800m of the site. These include Mudchute Park and Masthouse Terrace play area. The GLA have confirmed verbally that this is satisfactory, further details of the child play spaces are detailed in the main body of each report.)

Design

7.44 With regard to the City Pride development further information is needed regarding the quality of the single aspect units together with illustrations of the route adjacent to the south of the tower to illustrate how the negative impact of the inactive frontage is being mitigated.

7.45 (Officer response: The GLA design guidance states that 'development should avoid single aspect dwellings that are north facing...or contain three or more bedrooms. None of the apartments are single aspect north facing as those that are single aspect are east or west facing. The three and four bedroom units are 100% dual aspect, 85% of the two bedroom units are also dual aspect. This therefore meets the GLA design guidance.

7.46 The lack of activity on the ground floor south elevation is due to the need to have a servicing area on one side of the building and also provision of an electricity sub-station which needs to be located at ground level. The longer sides of the building provide an active frontage and the amenity pavilion also provides activity at ground floor level. The appearance of the south elevation is mitigated to some degree by the incorporation of trees and planters.

7.47 The GLA officer has verbally confirmed that this is satisfactory and Council officers are also satisfied with the design and layout of the scheme.)

7.48 Inclusive design

A schedule of units setting out tenure types and flat sizes should be provided. With regard to City Pride suitable tactile paving to differentiate the edge of the footway and carriageway along Marsh Wall should be provided. The applicant should confirm all playspace is accessible and provide further explanation of the ramped access to the amenity pavilion roof level / playspace. With regard to Island Point the blue badge parking should be amended so that the spaces are located nearest to the lift and the applicant should investigate if there is scope to further reduce the gradient of the entry ramps into the site. Further information is needed on how the wheelchair accessible units off Westferry Road are accessible. Further consideration should be given to reservation of a space for a lift in the future.

7.49 (Officer response: Details of the wheelchair accommodation and tactile pavements have been provided and would be secured by condition. All play space areas within City Pride and the amenity pavilion would be fully accessible. The amenity pavilion roof would be wheelchair accessible along the ramps which traverse the roof and are integrated into the landscaping design.



- 7.50 A parking management plan is requested by condition to detail where the blue badge parking will be.
- 7.51 The wheelchair accessible units within Island Point would be fully accessible from Westferry Road and two lifts have been included on an amended plan to ensure those on the upper floors are fully compliant.)

#### Sustainable development

- 7.52 Further discussions and commitments are needed regarding flooding and drainage. The applicant should confirm that all building uses of the City Pride site will be connected to the site heat network and should provide evidence of correspondence regarding connection to Landmark. The applicant should provide a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available, it should confirm the community building will be connected to the heat network and a drawing showing the route of the heat network and a drawing showing the route of the heat network should be provided.
- 7.53 (Officer response: The applicant has provided additional information in relation to flooding and sustainable drainage which is to the satisfaction of the Environment Agency.

Further details have been provided relating to the connection of City Pride to the Landmark CHP. This is to the satisfaction of the Council's and the GLA's energy officers.)

#### **London City Airport**

- 7.54 London City Airport is generally supportive of this development and in principle has no objections. In order to complete the detailed assessment required for there to be no safeguarding objection details of the construction methodology and the use of crane with proposed maximum working heights will be needed. Details of the intended materials for the exterior of the building are also required in order to assess interference to the airports navigation aids.

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

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

- 7.55 The Brigade is satisfied with the proposals in terms of access to the site and water supplies subject sufficient Thames Water supplies being available for the whole development. Clarification points were also requested: 1) does the development propose a car stacker system and 2) whether there is more than 45m between the stair core and the furthest flats.

(OFFICER COMMENT: Thames Water have requested that water supply infrastructure impact studies be carried out prior to the commencement of the development and this is to be dealt with via a condition.

In terms of points 1 and 2 the development does not proposed a car stacker and there is less than 45m between the stair core and the furthest flat. )

#### **London Underground Ltd**

- 7.56 No comments received.

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

- 7.57 No objections.

## **Natural England**

7.58 No comments received.

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

### Car parking

7.59 The car parking level is acceptable. 20% active provision of the electric vehicle charging points and 20% passive provision should be provided and should be conditioned.

### Cycle parking

7.60 The level of residential cycle parking is acceptable. Visitor cycle parking would be located within the public realm around the site. This would be secured via condition.

### Trip generation.

7.61 The trip generation exercise is considered acceptable and there would be no significant impact upon the surrounding highway network as a result of this development.

### Walking

7.62 A pedestrian environment review system (PERS) audit has been completed identifying areas where the pedestrian environment can be improved. It is noted that the footway on Westferry Road, to the north of the site is unable to be widened due to the proximity of the pumping station. The new buildings will however be set back from the red line boundary and hence the existing footway will be significantly widened which is welcomed. Nevertheless, it is recommended that to ensure that the footway is maintained, Tower Hamlets Council adopted the footway.

7.63 Officer Comment: Although the footway will not be adopted by the Council, it does remain within the red line boundary of the proposal and is therefore subject to conditions requiring the development to be completed in accordance with the approved plans.

7.64 In regards to guard railing, the applicant is encouraged to liaise with Tower Hamlets Council to establish whether the existing guard railing and bollards remain fit for purpose.

### Bus contributions

7.65 There is a capacity problem on Westferry Road northbound in the morning peak, the trips generated by this development plus other developments will likely generate a need for further capacity on the bus network beyond that funded by contribution from other completed developments. Therefore TfL seeks £200,000 towards improving bus capacity.

### DLR

7.66 A significant number of trips onto the DLR will approach from the west where wayfinding is currently lacking. Due to the scale of buildings and infrastructure within the vicinity of Heron Quays station, Legible London signage is not considered appropriate. Accordingly, to assist in encouraging walking trips for both residents and visitors of the site to Heron Quays station a contribution of £100,000 is required towards the provision of enhanced station identification in accordance with London Plan policy 6.4.

### Travel plan, servicing and construction.

7.67 It is welcomed that the applicant has explored the viability of utilising the river and dock during the construction phase and it is accepted that this has proven unviable. It is expected that the Travel Plan is secured within the s106 agreement with the Delivery and Servicing Plan and Construction Logistics Plan secured by condition.

## *Crossrail/CIL*

Contributions are applicable.

(OFFICER COMMENT: All requests for planning contributions from TfL have been met by the developer. Also, all conditions requested above have been included within the recommendation)

**British Broadcasting Corporation (BBC)**

7.68 No comments received.

**Greenwich Maritime World Heritage Site**

7.69 While the proposal is some distance from the WHS and to the west of the Grand Axis, its substantial scale means it will still be highly visible. This proposal, if implemented, will make a very significant addition to the apparently uncoordinated cluster of tall buildings on the Isle of Dogs. Of additional concern is the proposed tower 'crown', described as offering 'dramatic night illumination' which will further impact detrimentally on the strategic view from Greenwich WHS.

7.70 (Officer response: The townscape assessment within the environmental statement has assessed two views within the London View Management Framework (LVMF), from General Wolfe Statute and from the Royal Naval College. The LVMF states that the view from General Wolfe "would benefit from further incremental consolidation of the cluster of taller buildings on the Isle of Dogs. However, any consolidation of the cluster needs to consider how the significance of the axis view from the Royal Observatory towards Queen Mary's House could be appreciated." In this case the building would be located to the west of this axis and would not affect the view towards Queen Mary's House. The Councils Design and Conservation team have assessed the views contained within the townscape assessment and are satisfied that the proposal would not result in an unacceptable impact on the World Heritage Site.

7.71 It should also be noted that there is an extant consent on the site for a 62 storey tower and there are a number of other planning permissions on neighbouring sites which are equally tall (if not taller) which all affect the view from the world heritage site. Once constructed it is considered that the proposals would add to the consolidation of the tall building cluster and would have an acceptable impact upon the world heritage site. )

**Association of Island Communities**

7.72 No comments received.

**London Borough of Greenwich**

7.73 No objections raised.

**London Borough of Southwark**

7.74 No objections raised

**London Wildlife Trust**

7.75 No comments received.

**Metropolitan Police**

7.76 The first 10 storeys of the block requires laminate glass on the external pane throughout. Laminate glass should also be provided to all amenity floors including roof level.

- 7.77 (OFFICER COMMENT: The applicant has agreed to this and it would be secured by condition.)
- 7.78 Hostile vehicle prevention measures would be required at ground level.
- 7.79 (OFFICER COMMENT: Bollards have been included along a small section of Marsh Wall to prevent a hostile vehicle entering the site from Marsh Wall and driving through the entrance door. The rest of the building would be protected either by laminate glass or through the provision of other elements eg the substation or car park security entrance.)
- 7.80 The barrier to the car park would need to be level with the building entrance
- 7.81 (OFFICER COMMENT: The security gates, which are remotely accessed from an approaching vehicle, are flush with the building line.)
- 7.82 There should be CCTV in the entrance area, mail room and car park, a lighting strategy for the car park should also be supplied.
- 7.83 (OFFICER COMMENT: This would be the case and a condition would ensure this.)
- 7.84 Access control should be in place between the floors and the stairs / lifts.
- 7.85 (OFFICER COMMENT: Each resident would only have access to their floor and the amenity floors. There would be a concierge service and security on the ground floor who would also be able to monitor who enters the building and whether they have access to the lifts. The stairs are not for general use.)
- 7.86 Substation doors should be of a solid steel construction where possible, if louvered doors are required they should have a wire mesh attached to the rear of the door to prevent fingers getting through and forcing entry.
- 7.87 (OFFICER COMMENT: Louvered doors are required in order to provide ventilation and to have an acceptable impact upon the ground floor elevation. The applicant has confirmed that the wire mesh will be installed.)

#### **National Grid**

- 7.88 No comments received

#### **EDF Energy**

- 7.89 No comments received.

#### **Thames Water**

- 7.90 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend that a condition be imposed requesting an impact study of the existing water supply infrastructure which would determine the magnitude of any new additional capacity required and a suitable connection point.
- 7.91 A piling method statement is also requested via condition to ensure there is no damage to subsurface water infrastructure.
- 7.92 (OFFICER COMMENT: The requested conditions have been attached as well as an informative relating to the drainage strategy)

#### **Conservation and Design Advisory Panel**

- 7.93 Concern is raised over whether the height of the building fits in with the established pattern of development for Canary Wharf where the tallest buildings are in the centre of the Canary Wharf cluster with height reducing towards the periphery.
- 7.94 (OFFICER COMMENT: The site is positioned at the western end of the south dock, there are three docks which run through the north of the Isle of Dogs and each has a tall building consented at its western end. Columbus Tower is at the end of the north dock, Riverside South and Newfoundland Towers would frame the central dock. Both Columbus Tower and Riverside South are both taller (once constructed) than the City Pride Tower would be. It is considered that the cluster of tall buildings is being extended by previously approved scheme and a number of schemes which are coming forward and the City Pride Tower would not be out of character within this emerging townscape.)
- 7.95 The amenity pavilion was welcomed as an exciting addition to the townscape, but concern is raised as to whether this provides sufficient amenity for the occupants of the tower. Softer landscaping would be encouraged to avoid isolated trees in planters.
- 7.96 (OFFICER COMMENT: The amenity pavilion is not the only amenity space provided for the residents of the tower. Three dedicated amenity levels are provided within the tower at floors 27 and 56 and on the roof. Officers consider that sufficient amenity space is provided to serve the residents of the building. Soft landscaping is provided on the amenity pavilion roof, the trees and shrubs need to remain in planters in order to provide a sufficient growing medium and to allow pedestrian routes throughout the site. Officers are satisfied that the landscaping is acceptable .)
- 7.97 Elevational studies to see what the building would look like in different lighting conditions i.e. daytime / night time should be provided as it is possible that the stacking of different typologies could result in an awkward vertical alignment of solid and transparent panels.
- 7.98 (OFFICER COMMENT: Verified views of the proposed development during the day and night have been provided, this shows the lighting arrangements and how the amenity levels will stand out and allow the building to be viewed in three distinct elements. Details of all external lighting would be secured by condition. Regarding the stacking of different apartment typologies and concerns about the vertical alignment of solid and transparent panels, the building is designed such that the locations of winter gardens and the solid façade panels are vertically arranged and stacked regardless of the apartment type behind. The different types of apartments would have no effect on the external appearance of the building and officers are satisfied with this approach)
- 7.99 Concerns over the lack of visitor parking and servicing arrangements.
- 7.100 (OFFICER COMMENT: The parking arrangements of the site meet the Council and London Plan guidelines and LBTH and TfL are satisfied that the scheme provides the requisite level of parking. The site benefits from a good level of public transport and the lack of visitor parking would promote more sustainable methods of transport. Disabled visitors to the site can be accommodated through pre-arrangement within the basement or at ground level at the drop off area or on street close to the site subject to normal parking restrictions)
- 7.101 The development exceeds the London Plan target of no more than 8 units per core.
- 7.102 (OFFICER COMMENT: The proposal complies with the GLA design guide criteria but does provide more than 8 units per core. From levels 27 to 66 the core serves 14 units and from 67 to 73 they serve 10 units. The circulation space has been designed with pools of space adjacent to each flat door which seek to alleviate the feeling of a long corridor. It should be noted that the number of doors per core is a result of the high level of smaller apartments within the scheme. For example, the proposed population of each floor, if all bed spaces are

occupied, would be 36. If larger units were provided there would be less doors but the same amount of occupants, e.g. 6 x 2 bed and 2 x 3 bed would also provide 36 residents. Officers consider that whilst the scheme does not strictly meet this GLA housing design criteria, it would still, on balance, provide a high quality living environment and that the design solution overcomes any significant adverse impacts.)

## 8. LOCAL REPRESENTATION

8.1 A total of 3,619 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 January 2013 and March 2013, 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: 124      Objecting: 122      Supporting: 2      Neither: 0  
No of petitions received:      One with 35 signatures

8.3 (It should be noted that a total of 128 objection letters were received in total to both the City Pride and Island Point applications, a number of objection letters referred to both applications, as such are reported here as separate letters.)

The objections raised can be summarised as follows:

8.4 The building is too tall and out of context with the Canary Wharf cluster and in relation to the Landmark tower.

*(Officer response: A thorough consideration of the height of the building within the context of the surrounding developments is provided within 'Design' section of the report. It is considered that the scale of the building is acceptable and would be in keeping with the height of other recently consented developments. It is of a similar height to Hertsmere House which is located at the end of the northern dock.)*

8.5 Loss of daylight and sunlight to Cascades, Landmark, Quayside House, Waterman building.

*(Officer response: The daylight and sunlight report has been assessed by an independent consultant who has found that the loss of daylight and sunlight to the surrounding properties would be comparable to the consented scheme and as such there is no planning reason to refuse the scheme. Further details of this can be found within the 'Amenity' section of the report.)*

8.6 The density of the development is excessive and contrary to policy.

*(Officer response: Density is only one indicator of whether a proposal represents and over-development of a site. It is acknowledged that the density for this scheme is substantially higher than the suggested maximum within the London Plan due to the relatively small site area compared to the height of building, however, as discussed within the 'Density' section of the report, it is not considered that the development exhibits other signs of over-development and therefore the density is acceptable)*

8.7 The development would cause increased traffic congestion and the likelihood for accidents.

*(Officer response: There is only a small amount of parking proposed, the remainder of the development would be car free. As such it is not considered that there would be a significant amount of congestion caused by the development. A specific lay-by for the development has been proposed on the private road between Landmark and the subject site which would enable off-street servicing which would further reduce congestion on the surrounding streets. The Councils highways team and Transport for London have not objected to the scheme.)*

8.8 There is inadequate parking for the scale of the development.

*(Officer response: Council policies seeks to reduce parking provision in areas of high Public Transport Accessibility in order to reduce congestion and improve air quality. This site has a PTAL of 5 which is 'very good' and as such is suitable for a low car / car free development.*

8.9 Does not represent a mixed and balanced community.

*(Officer response: The tower proposes a mix of private housing, shared ownership units and serviced apartments. Island Point which is reported separately on this agenda provides the affordable rented accommodation. The Island Point site is considered to be a better site for larger family units as it is less dense with more open space so it offers a better quality living environment for families. Given the benefits which can be provided by the off-site affordable housing scheme it is considered that the separation of the rented units and the market housing in this instance is acceptable. This is discussed in more detail in the housing chapter of the report)*

8.10 The development must be considered in the context of nearby and adjacent developments at Westferry Circus and Marsh Wall which indicate gross overdevelopment for the existing infrastructure.

*(Officer response: The development is providing a s106 package which is in full accordance with the planning obligations SPD. This will go towards improving the infrastructure in the area including additional buses, improved public realm, more funding for schools and health centres and improvements to leisure facilities and libraries / idea stores. This is considered sufficient to mitigate the impacts of the development)*

8.11 The development would significantly reduce views from the flats within Landmark.

*(Officer response: There is an extant consent for a 62 storey tower on the application site which also would have an effect on views from Landmark. Whilst views are not protected in planning law, an assessment has been made on the difference between outlook when comparing the extant scheme to the proposed scheme and the majority of units have an improved outlook. Further details can be found within the 'Amenity' section of the report.)*

8.12 The use of the private road between Landmark and City Pride would have an unacceptable impact upon the use of the front entrance to Landmark and would therefore be detrimental to the amenities of the existing occupants.

*(Officer response: The use of the road between Landmark and City Pride allows servicing to occur off-street which reduces congestion and is less hazardous. The use of the service road also allows for the front of the site to be landscaped and allows for the amenity pavilion which would be of benefit to the residents of the application site and also Landmark. A servicing area is required for this building and it is considered that this is a preferable location as opposed to off Marsh Wall or Westferry Road.)*

8.13 The development would lead to a loss of privacy to the occupants of Landmark, Cascades and Quayside House.

*(Officer response: There are no clear glazed windows which face towards Landmark so there is no direct overlooking between the two developments. There is over 18m between the proposed development and Cascades which is considered a sufficient distance in policy terms to prevent a significant loss of privacy. Also, the majority of habitable room windows face north and south, not east towards the application site so the impact on privacy is reduced further. There is over 70m between the application site and Cascades so there is not considered to be any significant loss of privacy to the occupants of this property.)*

8.14 The site should be used for recreation facilities rather than new housing.

*(Officer response: Housing is in significant demand in Tower Hamlets and across London, this site is considered suitable for housing and as such this application is recommended for approval. There is no formal designation or allocation for leisure facilities on the site and therefore this is not something the Local Planning Authority can require..)*

8.15 There is a significant demand for hotel rooms within London and the hotel which was part of

the extant consent should have remained part of the proposal.

**(Officer response:** *The hotel element has been removed from the scheme, 162 serviced apartments are now proposed. These are both C1 uses and as such form a similar function. Both are considered acceptable in principle, the applicant has chosen to propose serviced apartments and there is no objection to this)*

- 8.16 Serviced apartments as opposed to a hotel use may result in reduced security as they do not have the same 24-hour controls, it also a greater number of short-term movements of people with luggage, taxis, take-aways etc.

**(Officer response:** *The appropriate levels of security and management are considered to have been employed within the development. The service road between the two developments allows for deliveries and the drop-off area to the front of the building would allow for short-term taxi drop-off and pick-up.)*

- 8.17 Within the Isle of Dogs area action plan the preferred use for this site is residential, employment, retail and leisure. There is no retail or leisure at this site.

**(Officer response:** *There is a retail unit proposed on the ground and first floor of the site and there is leisure in the form of the amenity pavilion which provides open space and a café. The more recent policy designations for the Tower Hamlets Activity Area states that mixed use, residential-led developments are appropriate in this area. The principle of the uses are considered to be policy compliant)*

- 8.18 Concerns over the noise and disruption during the construction period.

**(Officer response:** *A condition would be placed on any approval requiring a construction management plan to be developed and submitted to the council prior to the commencement of works which would seek to minimise the disruption during the construction period.)*

- 8.19 There have been a number of policy changes since the initial application was accepted in 2009 which the proposed development now does not comply with including respecting the context of the surrounding scale of buildings and protecting the amenities of neighbouring residents.

**(Officer response:** *Further consideration of the relevant policies is explored within the material consideration section of the report. It is considered that the proposed development does comply with current policies including design and amenity policies.)*

- 8.20 Unacceptable housing mix as there are too many small units.

**(Officer response:** *The development is proposed in conjunction with the proposal at Island Point, across both sites there is considered to be suitable mix of smaller units and larger family sized units with an appropriate balance between the two sites.)*

- 8.21 The entrance to the car park is too close to the existing bus stop and the entrance to Cascades which could be dangerous.

**(Officer response:** *There are only a small number of car parking spaces within the basement and it is therefore anticipated that there would not be a significant number of vehicle movements into and out of the development. The scheme has been reviewed by the Council's highways department and Transport for London and no objections have been raised.)*

- 8.22 The development may result in a wind tunnelling effect.

**(Officer response:** *The environmental statement has reviewed the impact upon wind resulting from the development. The assessment demonstrates that the development would increase the wind levels along Wesferry Road from a level which is currently suitable for 'standing' to a level which is suitable for 'leisure walking'. Given that the main purpose of these areas is not for sitting but for passing through it is considered that this minor adverse impact is acceptable and would not have a significant detrimental impact upon the micro climate of the way pedestrians experience the local environment.)*



- 8.23 Parking should be available for contractors/ visitors to the building.  
*(Officer response: There is no visitor parking available for this development, however short term drop-off would be possible at the front of the site and within the lay-by at the side of the development. There is no policy requirement for visitor parking and as such there is no objection to the scheme on this basis.)*
- 8.24 There is potentially a significant impact upon utilities such as water pressure, drainage and electricity.  
*(Officer response: The development provides its own electricity sub-station. Thames Water have requested a water impact study to determine levels of additional capacity. Drainage is a matter for building control.)*
- 8.25 Concerns over the stability of the building given the relatively small footprint.  
*(Officer response: The structural integrity of the building would be a matter for building control)*
- 8.26 Concerns that the building could become a terrorist target.  
*(Officer response: The crime prevention officer has reviewed the proposal and has made suggestions with a view to reducing the ability of the building to be used as a terrorist target. These measures include bollards to the front of the site to prevent hostile vehicle collisions through the main entrance and ensuring access is restricted to non-residents including, also secured access to the roof area.)*
- 8.27 The management of Landmark is poor and there is potential that this development, as a result of poor management would lead to increased social and environmental problems.  
*(Officer response: The development is to be assessed on its planning merits, there is a concierge and security desk within the ground floor, residents would need key fob access into the lifts and the amenity floors and also into the basement. The development has also been designed in accordance with the comments made by the secured by design officer to reduce the potential for ant-social behaviour.)*
- 8.28 The design of the building lacks imagination.  
*(Officer response: The design is considered to be acceptable, it is in keeping with the architectural language of the Canary Wharf cluster and reflects the design of Landmark towers. Further consideration is given to the design within the 'Design' section of the report.*
- 8.29 The development would put pressure on the existing services such as education, health care and the police service.  
*(Officer response: Full contributions are being made by the developer in terms of education and health care facilities. It is not considered that there would be a significant impact upon the police service as a result of this development and funding is not requested through planning obligations to fund police services.)*

## **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
  - Amenity
  - Transport
  - Energy and Sustainability (biodiversity)
  - Environmental considerations
  - Development Viability

## General Principles

- 9.2 At National level, the National Planning Policy Framework (NPPF - 2012) 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. Local Authorities are also expected to significantly boost the supply of housing and housing applications should be considered in the context of the presumption in favour of sustainable development.

### *Housing*

- 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. The London Plan identifies that there is a pressing need for more homes in London and sets out housing targets which each borough is expected to meet and exceed (policy 3.3). Overall Tower Hamlets is expected to deliver 2,885 new homes per year.
- 9.4 At the local level, the Core Strategy also identifies that housing needs to be provided in accordance with the London Plan housing targets. The majority of new housing is anticipated to occur within the eastern part of the borough with 'very high' growth anticipated in the Isle of Dogs. In particular, Millwall ward is predicted to provide an additional 6,150 homes over the plan period.
- 9.5 The subject application would provide 822 new residential units which would be 28% of the borough's annual target. When combined with the Island Point scheme the developments would contribute 35% of the total annual requirement.
- 9.6 The site is currently vacant but was previously occupied by the City Pride public house. This was demolished under the extant consent so consideration is not given here to the loss of the public house.
- 9.7 The site does not have a specific site allocation within the Managing Development Document, it is however within the Tower Hamlets Activity Area. Within these areas a mix of uses are supported, developments should have active ground floors with residential or office spaces on the upper floors.
- 9.8 It is considered that the provision of a residential development on this site is acceptable in policy terms and would provide a positive contribution towards borough and London-wide housing provision, for which there is a 'desperate and pressing need' (policy 3.3 of the London Plan).
- 9.9 The City Pride scheme is a high density residential led-scheme, it would provide a large number of market housing and a proportion of shared ownership accommodation. The quantum of residential development along with the off-site affordable housing offer is discussed in detail in housing section of the report. However, in terms of general principles, it is considered that this is a suitable location for a high density residential development, given the excellent levels of public transport accessibility (including the anticipated Crossrail station) and the existence of surrounding constructed, consent and proposed high-rise developments.

### *Serviced apartments*

- 9.10 The development seeks to also provide 162 serviced apartments. These would have the same layout as the residential uses but would only be occupied for a period of up to 90 days and therefore fall within the C1 use class. There would be a separate entrance and reception area for these visitors and the majority of the first floor of the building is devoted to servicing these

apartments. The serviced apartments would be located on floors 2 – 9.

- 9.11 The serviced apartments are therefore given the same consideration as a hotel use. A 203 bedroom hotel was previously approved on this site in 2009 and there is still support for additional hotel bedrooms within the London Plan. Policy 4.5 seeks to achieve 40,000 net additional hotel bedrooms by 2031 (of which 10% should be wheelchair accessible). Hotels should generally be located within the CAZ (central activities zone), within town centres, opportunity areas and intensification areas. There should also be good public transport access into central London.
- 9.12 Within policy SP06 of the Core Strategy hotel uses are directed towards the CAZ, City Fringe and Canary Wharf activity areas and major and district centres. The site is located within the Tower Hamlets Activity area and also has very good links to central London via public transport. This is therefore considered to be a suitable location for serviced apartments.

#### *Ground floor commercial unit*

- 9.13 A unit measuring 240sqm is located over ground and first floor level, on the Westferry Road frontage which is proposed as either a retail use or an office use. It is considered that a flexible use is acceptable in this location as it would add activity to the ground floor frontage and potentially provide a useful ancillary function for the residents of the block. The inclusion of this assists with the provision of a mixed use development which is expected within the Tower Hamlets activity area, as described in policy DM1 of the Managing Development Document.

### **Design**

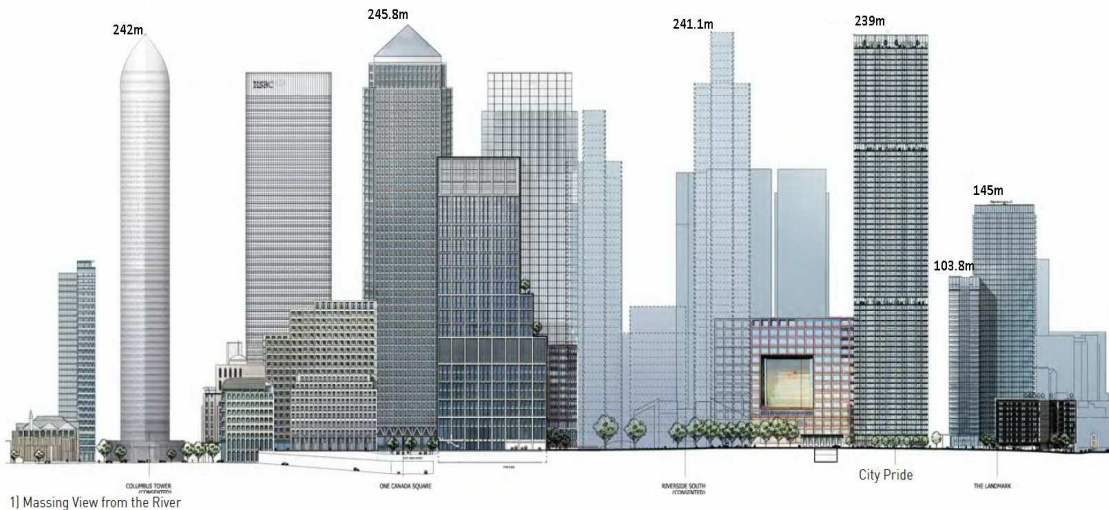
- 9.14 The main attributes of the schemes design are the presence of a tall tower (239m) which has a simple form reflective of the Landmark Towers to the south of the site and generally in keeping with the established Canary Wharf vernacular. Within the tower amenity floors are proposed which are a key feature in the scheme as not only do they provide generous amenity spaces for the residents but also seek to provide articulation to the development when viewed at a distance.
- 9.15 The development is sited at the eastern end of the south dock, the height and scale of the development is a reflection on the other tall buildings which have been consented at the end of the docks. Hertsmere House is at the end of the north dock and is 242m, Newfoundland at the end of the middle dock is approved at 150m in height. The building has a north-south axis, allowing the broad side to face the dock. This has the advantage of not having a large proportion of single aspect north facing flats and also reducing the impact upon the amenities of the occupants of the Landmark building.
- 9.16 At ground floor level an ‘amenity pavilion’ is proposed which provides activity at ground floor level in the form of a café and play space and publicly accessible green space above this. The areas around the main building and amenity pavilion would also be landscaped with a number of trees being planted along Westferry Road and the service road between City Pride and Landmark.

#### *Design policies*

- 9.17 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.18 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).
- 9.19 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.

- 9.20 Core Strategy policy SP10 and Policy DM23 and DM24 of the MDD 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.
- 9.21 Specific guidance is given in the London Plan and Managing Development Document in relation to tall buildings. The criteria set out by both documents can be summarised as follows:
- Be limited to areas in the CAZ, opportunity areas, intensification areas and within access to good public transport.
  - Within the Tower Hamlets Activity Area developments are required to demonstrate how they respond to the difference in scale of buildings between the Canary Wharf centre and the surrounding residential areas.
  - Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including waterspaces) and improve the legibility of the areas.
  - Should incorporate the highest standards of design and architectural quality, making a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters.
  - Should not adversely impact upon heritage assets or strategic and local views.
  - Present a human scale at street level and enhance permeability of the site where possible.
  - Provide high quality private and communal amenity spaces for residents.
  - Provide public access to the upper floors where possible.
  - Not adversely affect biodiversity or microclimates.
- 9.22 Canary Wharf and the north of 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 large 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.
- 9.23 The siting of a tall building in this location is considered acceptable. There is a previous consent for a 215m tall building on this site, the proposed scheme would be 24m taller than this (13 storeys). Whilst this is an increase in the height of the tower it is still considered to be in keeping with the surrounding scale of development. The diagram below shows the height of buildings around the site, some of which are consented (Riverside South and Columbus Tower) and other are already part of the Canary Wharf skyline (One Canada Square and Landmark)



- 9.24 Whilst the building would be taller than the adjacent Landmark building, it would be consistent with the heights of other developments and would therefore relate well in form, proportion, composition and scale to the surrounding character.
- 9.25 Development within the Activity Area as opposed to the Canary Wharf major centre is expected to provide a transition between the larger scale buildings within the Canary Wharf Cluster and the lower scale residential developments to the south. This development is relatively consistent in terms of height to buildings within the Canary Wharf cluster but is within the Activity Area. In this specific case it is however considered that the scale is appropriate. The building would step down in height from the Riverside South development but would be taller than Landmark. Given the position of the site adjacent to the dock, the height of the extant consent and its relatively northerly position on the Isle of Dogs compared to other sites within the activity area (for example along Marsh Wall where the more suburban residential character is much more immediate) it is considered to be an appropriate form of development which would not compromise the general aims of the activity area policy to provide a transitional form of development.
- 9.26 Accurate visual representations have been provided for the development, both at night and during the day and at a variety of spatial scales including views from across the river. At the local level it is anticipated that the development would complement the existing Landmark development in terms of layout and design. It would also provide a building of high quality at the junction of Westferry Road and Marsh Wall which is a prominent junction that would act as a key wayfinding feature.
- 9.27 The detailed design of the scheme has evolved to present a building which is essentially formed of three parts. The ground and first floor facades are grouped in terms of their fenestration and detailing. These match the larger glazed modules for the upper floor amenity levels but contrast to the typical residential floors. The amenity floors, roof terrace and ground floor would have backlighting which would express these elements against the main residential portions of the building. The slender form of the tower is an expression of its residential use and is articulated through key design interventions including the roof terrace at the top of the building, and the two amenity levels where the glazing modulation changes. The tower is further articulated through the provision of winter gardens benefiting from sliding doors which will open and provide a changing pattern on the façade of the building.
- 9.28 The grouping of the ground and first floor façade assists in providing a human scale to the building at ground floor level as the second floor and above would read differently and not appears as one solid form rising from ground floor. Lighting is proposed around the ground floor edge of the building which would add further interest to the building entrances.

- 9.29 The east and west elevations are the main elevations for this building and are active in terms of providing entrances for the residential units, shared ownership properties and the serviced apartments. The retails / office use along Westferry Road also assists in the provision of an active frontage.
- 9.30 The amenity pavilion provides a café and sitting out space upon a sloping roof. This is a low level contrasting building to the main tower which also provides activity at street level and a meaningful contribution to public open space locally.

#### Strategic views.

- 9.31 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 management framework suggests that this view would benefit from “further, incremental consolidation of the cluster of tall buildings on the Isle of Dogs however any consolidation of clustering of taller buildings on the Isle of Dogs needs to consider how the significance of the axis view from the Royal Observatory towards Queen Mary’s House could be appreciated.”
- 9.32 The townscape and visual assessment which form part of the Environmental Assessment demonstrates how this development would assist with the consolidation of the cluster in the context of the existing buildings with planning consent on the Isle of Dogs. The site is to the west of the axial view the Royal Observatory to Queen Mary’s House and therefore would not have a significant impact upon the significance of this view.
- 9.33 The townscape assessment also produces a number of views from strategic locations round London, including from City Hall, Stave Hill (Southwalk), Mudchute Park and Meridian Gardens (adjacent to the O2 arena, North Greenwich).
- 9.34 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 nor the Councils Design and conservation do not raise any objections in this respect.

#### Heritage & Conservation

- 9.35 The NPPF sets out the Government’s objectives in respect of conserving and enhancing the historic environments.
- 9.36 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) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 9.37 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 Document 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.
- 9.38 It is considered that the proposed development safeguards local and strategic views, and for the reasons stated in above in paragraphs, it would not have a negative impact on the setting of the Greenwich Naval College (World Heritage Site). It is considered that whilst the proposal is visible from the nearest conservation areas (Narrow Street and West India Dock), it is sufficiently distant, as to not have a material impact on their character and appearance.

### *Microclimate*

- 9.39 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 9.40 The environmental statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking pedestrians can tolerate stronger winds.
- 9.41 The assessment demonstrates that the development would increase the wind levels along Westferry Road from a level which is currently suitable for 'standing' to a level which is suitable for 'leisure walking'. The same would also occur within the north east corner of the Landmark development. Given that the main purpose of these areas is not for sitting but for passing through it is considered that this minor adverse impact is acceptable and would not have a significant detrimental impact upon the micro climate of the way pedestrians experience the local environment.
- 9.42 Within the site, subject to certain mitigations measures such as the installation of a 1.5m balustrade to the top of the amenity pavilion roof and incorporation of soft landscaping, the environment should be suitable for the intended purposes.

### *Secured by design.*

- 9.43 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security. The Crime Prevention Design Advisor has reviewed the proposal and is satisfied that the measures put in place such as key fob access, CCTV, lighting and on-site security are sufficient to ensure the occupants of the units would be sufficiently secure.
- 9.44 All recessed areas around the building have been removed to ensure there are no hidden spaces, access to the bicycle park and the car park would be possible only to residents with either a bicycle or a car in the basements. All communal areas of the building would be covered with CCTV. In order to prevent hostile vehicle attacks the main entrance of the building has been protected to prevent direct vehicle access from Marsh Wall. This has been done through the use of careful landscaping and without the use of bollards as these can create issues for visually impaired pedestrians.

### **Density**

- 9.45 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to meet and 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.
- 9.46 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 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.

9.47 The MDD has identified various strategic sites (Billingsgate Market, Wood Wharf, Millennium Quarter, WestferryPrintworks, Crossharbour Town Centre and Marsh Wall East) in order to accommodate housing growth alongside other complementary uses and the table below outlines the number of units, either completed, under construction or committed (with planning permission). Development completed prior to 2010 should not be factored into these housing targets and it is clear from this evidence that 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.

Ward	Number of completed units (Net)	Number of units under construction (Net)	Number of approved units with planning permission	Core Strategy Target	Percentage of target approved, completed or under construction								
Blackwall&Cubitt Town	13	3580	AsdaCrossharbour = 850 Wood Wharf = 1668 Blackwall Reach = 1575 New Union Wharf = (net) 210 Other = 206	Cubitt Town = 4,190 Blackwall and Leamouth = 4,050									
Millwall	1017	2568	429	Canary Wharf = 2,640 Millwall = 6,150									
<b>Total</b>	<b>1030</b>	<b>6148</b>	<b>4938</b>	<b>17,030</b>	<table border="1"> <tr> <td><b>Completed</b></td> <td><b>6%</b></td> </tr> <tr> <td><b>Under Construction</b></td> <td><b>36%</b></td> </tr> <tr> <td><b>Approved</b></td> <td><b>29%</b></td> </tr> <tr> <td><b>Total</b></td> <td><b>71%</b></td> </tr> </table>	<b>Completed</b>	<b>6%</b>	<b>Under Construction</b>	<b>36%</b>	<b>Approved</b>	<b>29%</b>	<b>Total</b>	<b>71%</b>
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<b>Approved</b>	<b>29%</b>												
<b>Total</b>	<b>71%</b>												

#### Housing Delivery Against Targets Table 1 (2010 onwards)

9.48 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.

9.49 The site has a “very good” public transport accessibility level (PTAL 5). For central locations with a PTAL of 5, 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 residential density is 5,803 habitable rooms per hectare or 2,935 units per hectare. It is acknowledged that this figure is significantly in excess of the London Plan density ranges. However, the intent of the London Plan and Council’s MDD is to optimise the intensity of use compatible with local context, good design principles and public transport capacity.

9.50 The scheme incorporates an area of public open space and internal amenity space levels, as well as planning obligations towards transport infrastructure, public realm and connectivity to improve sustainable travel options.

9.51 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:

9.52 *“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”.*

- 9.53 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. As previously stated, the slender form of the tower is an expression of its residential use and it is articulated through key design interventions and thus it represents a high quality design that it is required to justify the high density of the scheme. There is also significant pressure placed on the Isle of Dogs Opportunity Area, by both the London Plan at a strategic level, and the Core Strategy at a local level to provide housing where limited number sites are available. In this instance, the relatively small site area will undoubtedly produce high density levels, however this has to be weighed up against the pressure to provide housing. Officers consider that this development offers a significant contribution to that housing need, and together with the high quality design and acceptable amenity impacts, the proposal has demonstrated that exceptional circumstances exists to justify the high density levels.
- 9.54 The SPG outlines the different aspects of liability which should be rigorously tested, these include 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 “place shaping”. 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.
- 9.55 Whilst it is fully 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.
- 9.56 Whilst it is recognised that the City Pride scheme is not without its challenges because of the restricted nature of the 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 above, 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 City Pride site.
- 9.57 It is important to note that the applicant has met all the S.106 planning obligations required by the Planning Obligations SPD and the development itself provides sufficient child play space. The scheme also provide public open space in the form of a community pavilion with café and green space above and generally complies with other aspects of the London Plan’s Housing Supplementary Planning Guidance in terms of unit sizes and private and communal amenity space.
- 9.58 To conclude, density figures only serve 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 Tower Hamlets Activity Area, 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.

## **Impact upon local infrastructure / facilities**

### Local Schools

- 9.59 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.
- 9.60 The Inspector, in his recent report into the Managing Development Document, 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 and a minimum of 5 new primary schools. 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 educational facilities on sites not explicitly allocated for such a purpose but could well contribute positively towards a mixed use solutions and complement formal allocated school sites.
- 9.61 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.
- 9.62 The Managing Development Document 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.
- 9.63 Work on the site allocations has been integrated into 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.
- 9.64 Clearly, the identification of new school sites (both primary and secondary) is required to take into account the locations most likely to generate the extra pupils, given that new housing rather than local population growth is the main source (around two thirds) of the increasing numbers. It is also common ground that taking into account schemes already in the development pipeline, the majority of new housing over the plan period is likely to be in the east of the borough, rather than the west. Moreover, around two thirds of existing secondary school places are presently also in the western part of the Borough. Consequently, the need is clearly greater and more urgent in the east, including the Isle of Dogs.
- 9.65 Turning to the likely level of need over the Core Strategy period (2010 to 2025), the Council's estimates of new secondary school places are partly based on an average scale of new housing delivery (about 4,300 per year) that significantly exceeds not only the number of units delivered over the last few years but also more importantly, the strategic requirements of the

London Plan (around 2,900 per year).

- 9.66 The development is likely to generate 17 primary school places and 4 secondary school places. When considered in context of the combined application with Island Point the total school yield from the development is 114 primary school children and 62 secondary school children. 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.

#### Health facilities.

- 9.67 The development is expected to accommodate an additional 1,324 residents, when combined with the Island Point scheme a total of 1,885 additional residents would potentially require health care services offered by the Tower Hamlets PCT. The NHS is currently undertaking an ambitious programme to develop health and wellbeing centres across Tower Hamlets to meet the needs of the rapidly growing population. To accommodate the additional population growth from this and other sites a new 'service hub' is being planned at Wood Wharf. The financial contribution from these developments would go towards the long lease or fit out costs of the Wood Wharf service hub. The applicant has also agreed to meet the full financial contributions required of it in this regard.

#### Open space

- 9.68 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 and the development proposals will accord with the objectives of this policy.
- 9.69 Policies SP02, SP04 and SP12 of the CS promote the good design of public spaces and the provision of green spaces.
- 9.70 It is calculated that 1,324 people will live in the proposed development with approximately 66 employees for the serviced apartments and ground floor commercial use. Based on the occupant and employee yield of the development, the proposal would normally be expected to deliver approximately 1.9 hectares of public open space which is clearly not possible on such a small site (bearing in mind the requirement to deliver additional housing units within the Borough and on the Isle of Dogs in particular.). Notwithstanding this, the scheme would deliver approximately 310sqm of public open space in the form of the amenity pavilion roof which would provide a pleasant sitting out area looking out onto the south dock for residents of the subject development and surrounding properties. It would also complement the existing open spaces within the vicinity of the application site including the various green spaces within the Canary Wharf estate and Lenaton Steps / Sir John McDougal gardens to the south.
- 9.71 Irrespective of this, the proposed level of open space would fall below LBTH's standard of 12 sqm 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 only provide approximately 0.2sqm per person. Accordingly, the applicant has agreed to a financial contribution of £1,180,522 to mitigate this impact, which would be in compliance with the Planning Obligations SPD requirement.
- 9.72 In addition to the area of open space which would be provided in the form of the amenity pavilion, the applicant has also agreed to allow public access to the 75<sup>th</sup> floor for two weekends each year. This would be free of charge and details of how this would be advertised would be secured within the legal agreement. This is considered to be a public benefit of the scheme.

9.73 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.

## **Housing**

9.74 The scheme has been submitted in conjunction with a development at 443-451 Westferry Road (Island Point) which is reported separately on the agenda. The applications are linked regarding the provision of affordable housing and dwelling mix. It is proposed that the majority of the affordable housing is made at Island Point in lieu of the bulk of the affordable housing obligation arising from the City Pride development. It is proposed that the majority of the private residential accommodation will be within the high rise, high density tower at the City Pride site and the Island Point site would be a lower density scheme with a focus on affordable family accommodation.

9.75 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.

9.76 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites having regard to:

§ Current and future requirements for affordable housing at local and regional levels

§ Affordable housing targets

§ The need to encourage rather than restrain development

§ The need to promote mixed and balanced communities

§ The size and type of affordable housing needed in particular locations and

§ The specific circumstances of the site.

The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Borough's should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained. The GLA development control toolkit is an acceptable way of evaluating whether a scheme is providing the maximum reasonable amount of affordable housing.

9.77

Paragraph 3.74 of the London Plan states that affordable housing is normally required on-site. However, in exceptional circumstances it may be provided off-site on an identified alternative site where it is possible to:

a) Secure a higher level of provision

b) Better address priority needs, especially for affordable family housing

c) Secure a more balanced community

d) Better sustain strategically important clusters of economic activities, especially in parts of the CAZ and the north of the Isle of Dogs where it might be part of a land 'swap' or 'housing credit'.

9.78

The issue of affordable housing and off-site provision is similarly dealt with in the Councils policies. Policy SP02 of the Core Strategy sets an overall target of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability).

9.79

The Managing Development Document requires developments to maximise affordable housing on-site. Off-site affordable housing will be considered where it can be demonstrated that:

- a) It is not practical to provide affordable housing on-site
- b) To ensure mixed and balanced communities it does not result in too much of any one type of housing in one local area.
- c) It can provide a minimum of 50% affordable housing overall
- d) It can provide a better outcome for all of the sites including a higher level of social rented family homes and
- e) Future residents living on all sites use and benefit from the same level and quality of local services.

9.80

Assessment against policy

In summary, when considering national, regional and local policies off-site affordable housing is only acceptable in exceptional circumstances, if it is to be accepted it should provide a higher quantum than if it were on-site, should not undermine the objectives of providing a mixed and balanced community, should better address a priority need i.e. affordable family homes and would not reduce future residents access to services and amenities which would be available to residents of the private housing site.

9.81

*Quantum of affordable housing*

The policy requires a minimum of 50% affordable housing to be provided across both sites when off-site affordable housing is offered. This however is subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations.

Paragraph 173 of the NPPF states that “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites

9.82

should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.

A viability toolkit has been submitted with the scheme and this has been independently reviewed by BNP Paribas. The review of the toolkit concluded that the two sites combined could viably provide 35% affordable housing. The applicant is offering 37% affordable housing on the basis that viability may improve prior to the units being sold. This additional 2% affordable housing is offered at a risk to the developer.

9.83

The affordable housing that is being offered is all at social rent levels of the family sized units with the smaller one and two bed flats being offered at affordable rent. The rent levels are to be in accordance with the POD rent levels which are generally considered to be affordable to Tower Hamlets residents.

9.84

The affordable housing offer of 37% is made in conjunction with a full package of planning obligations in accordance with the Council’s SPD. Further details of the s106 package are found at section 3.

9.85

The quantum of affordable housing is dependant, not only on viability of the scheme but also on the physical constraints of the site. Officers consider that the level of affordable housing has been maximised on the Island Point site. Any additional provision or increase in density is likely to result in unacceptable amenity impacts in terms of sunlight and daylight, privacy, and level of amenity space. Taking this into account, the redesigned proposals for Island Point still results in a higher amount of affordable housing provision, than what was provided on the two combined sites than under the

9.86

redesigned proposals for Island Point still results in a higher amount of affordable housing provision, than what was provided on the two combined sites than under the

extant scheme.

9.87

*Mixed and balanced communities*

This development represents a mix of tenure in terms of providing some shared ownership properties but the majority of properties being market housing. The policies which seek to ensure mixed and balanced communities do so because of the legacy of mono-tenure estates in London contributing to concentrations of deprivation and worklessness. This, coupled with some housing and management practices have been exacerbated by the tendency for new social housing to be built where it is already concentrated. The supporting text to policy 3.9 states that new social housing development should be encouraged on areas where it is currently under represented.

9.88

A number of objections have been raised to this development on the basis that this development is not contributing to a mixed and balanced community and fails to meet the policies within the London Plan and Managing Development Document. The concerns are generally raised in relation to concentrations of social housing, however the reverse argument could be made in relation to housing development which only seeks to provide private housing.

9.89

In the case of this application it is not considered that the development would detrimentally affect the balance of the community in the locality as there are a number of mixed tenure schemes including the adjacent development at the Landmark.

9.90

The following table is formulated from census data and shows the make-up of housing tenure at various spatial scales:

Tenure	Borough Average	Cubitt ward	Town Millwall ward	Super Output layer (more specific than ward level)
<b>Owner</b>	24%	26%	35%	26%
<b>Shared ownership</b>	2%	3%	1%	3%
<b>Social rented</b>	40%	29%	32%	14%
<b>Private rented</b>	33%	41%	31%	56%



9.91

The above table shows that there is a significantly higher than borough average number portion of households which privately rent, and a lower proportion compared to the borough average for social rented properties. It cannot be determined whether the units within the City Pride development would be owner / occupied or predominantly let for private rent. The tables below explain how this development would change the make-up of the area if the total market units were to be owner/occupier and also if they were to be

private rented flats:

Tenure	If total market housing were owner/occupied	If total market housing were to be private rented	Borough average
<b>Owner</b>	41%	21%	24%
<b>Shared ownership</b>	4%	4%	2%
<b>Social rented</b>	11%	11%	40%
<b>Private rented</b>	44%	64%	33%

9.92

Under both scenarios the type of housing tenure within this localised area is not representative of the borough average, however given the nature of the location being within close proximity to Canary Wharf major commercial centre and the lack of any established social housing estates within the defined area it is not unexpected that the number of social rented units are underrepresented within the table. The development would increase the number of shared ownership units within the locality and would allow for a better quality provision of family sized social rented units in a less dense form of development where suitable outdoor spaces can be provided for child play space.

### Housing Mix

9.93

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.

9.94

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.

9.95

Policy DM3 (part 7) of the MDD 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).

9.96

If the committee decides that the principle of providing the majority of the affordable housing arising from the City Pride development within the Island Point development is acceptable, the Committee also needs to determine whether the proposed dwelling mix is satisfactory.

9.97

Overall, across both sites, the residential breakdown is as follows:

	Private Units/hab rooms	Social/Affordable rent Units/hab rooms	Intermediate Units/hab rooms	Total Units/hab rooms	% Units/hab rooms
Studio	176 / 176		2 / 2	178 / 178	18% / 7%
1-bed	324 / 648	11 / 24	45 / 90	380 / 762	38% / 30%
2-bed	212 / 636	22 / 80	50 / 156	284 / 872	28% / 34%
3-bed	36 / 144	73 / 354	4 / 19	113 / 517	11% / 19%
4-bed	4 / 20	26 / 156		30 / 176	3% / 7%
5-bed		10 / 70		10 / 70	1% / 3%

Total	752 / 1624	142 / 684	101 / 267	995 / 2575	100%
% of total	76% / 63%	14% / 27%	10% / 10%	100%	

The table below demonstrates the breakdown of mix and tenure at the City Pride scheme:

	Private Units / hab rooms	Intermediate Units/hab rooms	Total Units/hab rooms	% Units/hab rooms
Studio	176 / 176	2 / 2	178 / 178	22% / 10%
1-bed	324 / 648	36 / 72	360 / 720	44% / 40%
2-bed	212 / 636	32 / 96	244 / 732	30% / 41%
3-bed	36 / 144		36 / 144	4% / 8%
4-bed	4 / 20		4 / 20	>1% / 1%
Total	752 / 1624	70 / 170	822 / 1794	100%
% of total	91 / 91	9 / 9	100%	

9.98 In order to assess the acceptability of the proposed mix against the Council's preferred mix, Table 3 below describes the proposed overall mix of both the City Pride and Island Point developments in the context of the Borough's preferred dwelling mix:

Unit size	Total units / %	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	178 / 18%	0	0%	0%	2	2%	0%	176	23%	0%
1 bed	380 / 38%	11	8%	30%	45	44%	25.0%	324	43%	50.0%
2 bed	284 / 29%	22	15%	25%	50	50%	50.0%	212	28%	30.0%
3 bed	113 / 11%	73	51%	30%	4	4%	25%	36	5%	20%
4 bed	30 / 3%	26	18%	15%	0	0%		4	>1%	
5 bed	10 / 1%	10	7%	0%	0	0%		0	0%	
6 bed	0	0	0%		0	0%		0	0%	
<b>TOT</b>	<b>995</b>	<b>142</b>	<b>100%</b>	<b>100%</b>	<b>101</b>	<b>100%</b>	<b>100%</b>	<b>752</b>	<b>100%</b>	<b>100%</b>

9.99 Across both developments 15% of the total units would be family sized. This is below the 30% policy target, however within the affordable rented/social rented tenure 76% of the units would be family sized, which includes three, four and five bedroom properties. All



of the family sized units are to be provided at social rent levels. This meets a priority need within the borough and is welcomed. Whilst there is a relatively low proportion of family sized units and higher proportion of smaller units across all of the tenures, the level of family housing within the social rented tenure is considered to be a significant benefit to the scheme.

- 9.100 In terms of the intermediate provision the development provides a higher than policy compliant provision of 1 bed units and a below policy requirement provision of family sized units (4% as opposed to 25%). So why is this acceptable?
- 9.101 Across both sites there is a relatively high proportion of smaller units, within the City Pride scheme 94% of the housing would be studio, one bed and two bed flats. This is against a policy target of 80%. Given the nature of the two sites it is considered to be more appropriate to locate the majority of the family sized units within Island Point as this scheme is less dense and allows for more generous outdoor play space for children.
- 9.102 Overall it is considered that the developments provide a good level of family accommodation within the social rented tenure which is a significant benefit of the scheme. As a result of the constrained nature of the site, and the drive to increase the viability of the proposal in order to maintain higher levels of affordable housing, the provision of smaller units within the private sale tenure is higher than the policy suggests. However, given the level of family sized accommodation provided on Island Point, it is considered that on balance the housing mix is acceptable.

9.103 **Quality of accommodation provided**

- 9.104 The GLA produced a supplementary planning guidance note on housing in November 2012. Part 2 of the document provides advice on the quality expected from new housing developments with the aim of ensuring it is “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime”. The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.

*Internal space standards / layout*

- 9.105 Each of the units meets the London Plans space standards and is therefore acceptable in this respect. The studio units are between 37sqm and 46sqm, one bedroom units are between 50sqm and 66sqm, the two bedroom flats are between 70sqm and 94sqm and are generally located at the ends of the block and are therefore dual aspect. The three bedroom units are around 100sqm and are also dual aspect. There larger flats are located towards the top of the building with floors 67 to 73 containing a mix of one, two and three bed flats and the top residential floor (floor 74) containing four x four bed units. These are approximately 200sqm in floor area.
- 9.106 The layout of the building ensures that there are no single aspect north facing flats. Whilst the majority of units are single aspect they all face either east or west so suitable levels of sunlight would be available either in the morning or in the evening. Each flat has its own private amenity space in the form of a winter garden. These winter gardens measure between 6sqm and 9sqm. The winter gardens are building into the façade of the building so residents would not be stepping out onto balconies. This is considered to be a particular benefit for the residents of the flats within the upper levels of the building. The inclusion of a winter garden also allows the space to be enclosed in the winter which ensures it is usable even when the weather is inclement.

- 9.107 Given the layout of the development in a standard rectangular shape and with the narrow side positioned adjacent to Landmark there is no overlooking internally within the development or from the adjacent development due to the positioning of obscure glazing. The potential overlooking from the subject site to The Landmark is examined in more details in paragraph 9.159 of the report.

*Wheelchair housing*

- 9.108 10% of all new housing should be wheelchair accessible. This includes incorporating a variety of measures such as wider corridors, turning circles within living rooms and access to two different lifts. Within the shared ownership units a two bedroom flat from floors 14-20 is provided at the south east corner of the building. Within the private tenure 76 x 1 bed units are provided over floors 30 to 62.
- 9.109 It should also be noted that 16 of the 162 serviced apartments would be wheelchair accessible.

*Lifetime homes.*

- 9.110 All of the flats are designed to lifetime homes standards and a condition would be placed on any approval to ensure this remains the case.

*GLA design standards*

- 9.111 The development is in full compliance with the 63 of the 73 design standards. Five are not relevant for this type of development, three are in partial compliance and two are not in compliance. Part 7.5 of the Design and access statement details which flats are in partial compliance with the design standards. This essentially relates to the provision of separate storage areas within each flat, the provision of one car parking space per wheelchair units and ventilation and natural light into internal corridors.
- 9.112 Whilst not all flats have specific storage areas, they do all meet the minimum internal space requirements and it would be possible for future residents to install storage areas. The provision of one disabled parking space for each disabled flat is not possible as there are 86 wheelchair units provided but only a total provision of 41 parking spaces. 13 out of the 41 spaces are wheelchair accessible which has been considered acceptable by both the Council's highways department and Transport for London.
- 9.113 The layout of the corridors also needs consideration. It is a baseline requirement that internal corridors are naturally lit and ventilated, a good practice criteria suggests that no more than 8 apartments per core. In this case the internal corridors would be ventilated but would not be naturally lit, there would also be 14 apartments per core. Given the relatively large and deep footprint of the building it is difficult to achieve natural light into the corridors and if this were to be achieved it would potentially reduce the number of windows to the flats or reduce the number of dual aspect units, neither solution is particularly desirable. The design and access statement provides details of the high quality design which is proposed for the internal corridors and subject to further details being provided by condition it is considered that this would provide a suitable living environment for the future occupants of the site.

Equally, the provision of more than the recommended number of doors per core is not considered to be significantly detrimental to the quality of the living environment. Due to the relatively large number of smaller units within the scheme there is proportionately more flats per core than if it were to be a greater mix of smaller units and family sized units so the number of residents were core would be similar if the number of doors were reduce but the unit mix changed. The flat entrances have been grouped with four at each end and six in the centre, this is considered to assist with the sense of community

and security.

### *Amenity space*

9.114 The for all major developments it is anticipated that areas of public open space and communal amenity spaces are provided in addition to the requirement for private amenity space. Private amenity space is a set figure which is determined by the size of the dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant.

9.115 Communal open space is calculated by the number of dwellings. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit.

9.116 Public open space is determined by the number of residents anticipated from the development, the planning obligations SPD sets out that 12sqm of public open space should be provided per resident, otherwise a financial contribution towards the provision of new space or the enhancement of existing spaces.

9.117 Play space for children is also required for all major developments, the quantum of which is determined by the child yield of the development. Policy 3.6 of the London Plan as well as the 'Children and Young People's play and information recreation SPG provide guidance on acceptable levels and quality of children's play space

9.118 The residential and child yield figures are shown below and are based on the Council's planning for population change and growth model.

<b>Type of amenity</b>		<b>Total required</b>	<b>Total provided</b>
Child play space (private)	0-3 years	350sqm	361sqm
	4-10 years	200sqm	215sqm
	11-15 years	60sqm	136sqm
Communal Space		862sqm	1208sqm (+334sqm for gym)
Public open space		18,923sqm	310sqm

### **Child play space**

9.119 Policy 3.6 of the London Plan relates to 'children and young people's play and informal recreation facilities'. There is also a supplementary planning guidance which was produced by the GLA in September 2012 which accompanies this policy.

9.120 A good quality playable space should provide all children "safe access to physically accessible and inclusive facilities that are stimulating and fun". Wherever possible, play spaces should incorporate trees and greenery to allow children access to nature. It should also be inclusive for children with disabilities.

9.121 Table 4.3 of the SPG sets out the types of appropriate play provision for children. For children under 5 the play space should be within 100m of their dwelling and should have age appropriate equipment, it should also incorporate areas of informal play. For children 5 to 10 years old, again age appropriate equipment and areas of informal play should be included, as well as kickabout areas and potentially skate/bike parks. For young people 12+ designated recreation spaces are suggested, for example a ball court/skate park/youth shelters. These areas should be available within 800m of their homes.

### *The amenity strategy*

9.122 Amenity space is provided in the form of three amenity floors within the building at floor 27, 56 and 75, the amenity pavilion on the ground floor also provides play space, a café and green space which is publicly accessible on its roof. The play spaces for the children of the shared ownership units are located within the ground floor of the main building. The amenity floors are a storey and a half high (4.5m) and form strips along the length of the building with the stair and lift cores in the centre. The amenity floors are 48m long by 7.5m wide. Each floor therefore has 720sqm of amenity space and provides a variety of uses including a gym, relaxation areas and play spaces.

#### Ground floor

9.123 The amenity pavilion covers approximately 450sqm to the east of the main tower. Within the building a café would be provided as well as the play space for the younger children within the shared ownership tenure. The café would be accessible to the public but the play space would only be for residents of the shared ownership flats within City Pride. The roof of the pavilion would be soft landscaped at the top with grass terraces. Towards the lower element of the pavilion roof sculptural timber is proposed, this could be used as play space for children but also as a sitting out space for the general public.

9.124 The area towards the lower end of the amenity pavilion is allocated as play space for the 4-10 year olds. There is space allocated for this age group within the market tenure at amenity level 27 and the shared ownership units would have access to this amenity space too. In order to meet the overall space requirements in relation to the child yield a portion of the publicly accessible space would also be designed to meet the needs to children aged 4-10. To ensure double-counting of the space does not occur the financial contribution towards open space has only included that area which is not counted towards child play space. 310sqm of the amenity pavilion roof remains available to be counted towards the public open space provision.

9.125 The area surrounding the building at ground floor would be predominantly hard landscaped with granite paving slabs to match those at The Landmark. Trees are proposed around the site along the service road between City Pride and Landmark and along Westferry Road. Smaller trees in planters are also proposed between the main building and the amenity pavilion to add a softer appearance to the landscaping. Multi-stem trees have been carefully selected to ensure that they will be successful in windy environments. The planters which they would be set in would also allow for informal seating around the building.

9.126 Within the ground floor of the main building the play space for the 0-3s and the 12+ children within the shared ownership tenure is provided adjacent to the entrance for these flats in two separate areas. Both spaces have been provided in accordance with the requirements of the SPG. The spaces are proposed to be well equipped with age-appropriate facilities such as table tennis / table football for the over 12s and games rooms for the younger children with area for parents to supervise.

#### Amenity level 27

9.127 This amenity level is available to the occupants of the shared ownership units. The roof terrace and the amenity floor at level 56 would not be accessible shared ownership occupants. This is partly due to the lift strategy within the building – some lifts can only reach certain levels due to the overall height, and also to keep service charges to a reasonable level for the occupants of the affordable housing.

9.128 Within level 27 the eastern side of the building would comprise children's play space which would include play equipment and spaces for parents to supervise. Below is an image of how the play space could be used:



- 9.129 To the other side of the building a series of lounges are proposed which provide seating areas, they are communal but arranged in such a way to allow different groups of people to congregate. The lounges would provide an area away from the flat for people to meet / socialise or to work. At the corners of the building dining rooms are included. The aim of these is to allow areas that residents can book in advance for social events if they do not want to hold them in their flats.
- 9.130 **Amenity level 56**  
This is for the occupants of the private units. A gym is provided on the western side of the building with a number of different uses provided on the eastern site including a cinema room, a games room, library or study area and a soft landscaped area called a 'wifi zone' on the plans.
- 9.131 **Amenity level 75**  
This is at roof level and whilst enclosed on the sides would be open at the top so residents would be able to experience an element of outside space. This area would comprise of seating, lounge areas and sun loungers with soft landscaping in the form of trees inside planters and other planting. This floor would be 7.5m tall and would appear light and spacious.
- 9.132 The inclusion of internal amenity areas is considered to be an innovative solution to the constraints of the site. Given the small site area and the number of units proposed within the development it is clear that any type of tall building on this site would not be able to provide sufficient outdoor space for the occupants. The extant scheme provided approximately 1,000sqm to amenity space (plus a restaurant on the 61<sup>st</sup> floor), in total (excluding the amenity pavilion on the ground floor) the current scheme provides 2,160sqm of amenity space. This is significantly more than the previous proposal and also provides for a variety of uses rather than just seating areas. The reduction in footprint of the building compared to the extant scheme also allows for the provision of public open space which was not possible under the extant scheme. It is acknowledged that the current scheme also provides accommodation for a significantly increased residential population and as such the amenity space would be expected to be larger, however there is still proportionally more amenity space provided by the current scheme than the extant scheme.
- 9.133

The amenity levels are considered to be well thought out and designed to suit a number of purposes. The roof terrace would provide a space which has a more outdoor feel as it is exposed to the elements. The amenity levels at 27<sup>th</sup> and 56<sup>th</sup> floor would provide spaces which could be used all year round thereby providing general communal amenity as well as child play spaces which would always be available.

9.134

The applicant has provided examples of places where indoor amenity has been successful, these are generally within tall buildings and are mostly outside of the UK, these examples include the Millennium Tower in San Francisco where there is a floor devoted to amenity with an outdoor terrace which leads through to an indoor lounge area with fitness centre and swimming pool or the Poydras Tower, New Orleans which has double height lounge spaces and media rooms. The concept has also been accepted within the London context the development known as 'Vauxhall Sky Gardens' was approved in 2010 in Nine Elms and includes internal amenity floors.

9.135

The development provides a policy compliant amount of private amenity space, the communal space proposed is well in excess of the policy requirement and also significantly more than the extant scheme. The child play space provides a good differentiation of uses and defined areas within the building which would accommodate the child yield of the development. Public open cannot be accommodated on site to the degree that is required but a financial contribution is offered by the applicant to provide additional open spaces or to upgrade existing spaces in the borough, in accordance with the planning obligations SPD.

#### **Impact upon neighbouring amenities**

9.136

Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MDD 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.

#### *Daylight and sunlight*

9.137

Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

9.138

Core Strategy Policy SP10 and Policy DM25 of the draft MDD (2012) 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.

9.139

The Environmental Statement considers the impacts of the development with respect to daylight and sunlight and has been independently reviewed by a specialist consultant.

9.140

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.

9.141

British Standard 8206 recommends ADF values for new residential dwellings, these being:

- >2% for kitchens;
- >1.5% for living rooms; and
- >1% for bedrooms.

#### Vertical sky component

Within the Environmental Statement there is a detailed section on the impact the proposed scheme will have on the surrounding properties. 1,747 windows were tested in regards to VSC, these are within the following properties:

- 2 Manilla Street
- 4 Manilla Street
- 6 Manilla Street
- 22-30 Chandlers Mews
- 10-20 Chandlers Mews
- 1-9 Chandlers Mews
- 11-85 Anchorage Point
- 1-9 Quayside
- 15 Westferry Circus
- 20 Columbus Courtyard
- 1-5 Cabot Square
- 10 Cabot Square
- 22-28 Marsh Wall blocks 1, 2 and 3.
- 2-4 Cascades.

9.142 Of the 1,747 windows tested 751 do not meet the minimum VSC criteria, in that the VSC would be reduced to less than 27 and less than 0.8 times its former value (or a reduction of more than 20%). A reduction of less than 20% is not discernible to neighbouring residents but more than 20% and this will be noticeable. It should be noted that under the current scheme the number of windows which failed to meet the VSC criteria was 595.

9.143 In order to analyse the impact further the failures have been divided into two parts. Failure of between 20% - 50% and failures of 50% +. 189 of the 751 windows which failed have a loss of VSC of more than 50%. The worst affected window is within the Cascades development. It is a second floor window which is located behind a buttress which already reduces the light into this room, the reduction in VSC would be 90% to this window. The next worse failure is to the ground floor window, the existing VSC is 3.74 and the proposed would be 0.54, this is a reduction of 85%. It should be noted that whilst the reductions appear larger in percentage terms the levels of VSC available to these rooms is already severely limited due to the architectural constraints of the building including the buttresses and the overhanging balconies.

9.144 When compared with the consented scheme the results show the greatest loss of VSC would be to properties within block 3 of the Landmark scheme, this saw a reduction of 100% in VSC. Therefore, whilst the effects of the development would be felt differently around the site, the loss of VSC to any one window would not be as severe as under the consented scheme.

#### No sky line

9.145 To better understand the impact upon the residents of the properties which are losing a significantly amount of the VSC to their windows, a further test analysing the distribution of daylight within the rooms has been carried out. As per the VSC criteria, if there is a 20% reduction from the existing situation to the proposed then the difference would not be discernible.

9.146 1,010 windows were tested for their reduction in daylight distribution. Of these, 210 did not meet the minimum criteria. Under the extent scheme 176 rooms also failed this test. As per the VSC results, the worst affected rooms are within the Cascades development and are the same lower floor windows. It is understood that the loss of daylight to windows R14/160 and R14/161 would be 84%. The next worst affected room is also a ground floor room within Cascades and would have a 66% reduction in daylight. All of these rooms are bedrooms and the BRE guidelines states that these are less sensitive

rooms than living rooms.

- 9.147 Given the inherent architectural constraints within the Cascades architectural design and the distance from the application site is it not considered that the difference between the extant scheme and the proposed would be significant to the occupants of this property and therefore there is not considered to be a reason to refuse the scheme on the effects of daylight reduction to Cascades.
- 9.148 The results of the consented scheme demonstrate that the worst affected rooms were within the Landmark development and suffered a 87% loss of daylight.
- 9.149 Block 1 within Landmark is the closest block to the development site and the effects are therefore analysed further. The current scheme is narrower than the consented scheme but closer to block 1 of Landmark. There are 278 rooms which face onto the development site. Currently these enjoy an open view to the north which is uncharacteristic of this area where tall buildings are becoming the norm. As a result of the proposed development 136 rooms facing towards the application site would have a noticeable loss of daylight which can be broken down as follows:
- 20-30% reduction = 27 rooms
  - 30-40 % reduction = 27 rooms
  - 40-50% reduction = 28 rooms
  - 50-63% reduction = 54 rooms.
- 9.150 The greatest reduction is to the one bedroom flat located second in from the western edge of the building. The daylight to the living room would be 50% less and the daylight to the bedroom would be 63% less.
- 9.151 The losses suffered should be balanced against the losses which would occur under the extant consent. There are 119 windows which have a worse level of daylight. Of these 24 are located on the NW corner and are dual aspect, thereby deriving light from the west. As a result these rooms continue to have average daylight factors (ADF) of between 6.02% and 9.54% which results in a well-lit space (BRE guidelines recommends that an ADF of between 2% and 5% for a well-lit space with no need for artificial light).
- 9.152 Of the 95 remaining rooms 50 of these are bedrooms and retain an ADF of 1.04% and 1.86% which exceeds the BRE minimum recommended criteria of 1% for bedrooms. 45 of the 95 rooms are open plan living room / kitchens. The difference in light levels between the extant and the consented scheme for 22 of these rooms is less than 0.1% difference which is not significantly different. The other 22 rooms would suffer a loss which is between 18-20% different. The light levels would remain between 1.59% ADF and 1.74% ADF, which is below the 2% recommended minimum. This failure to comply with the minimum BRE guidelines needs to be considered in context of the surrounding pattern of development and whether the harm identified to 8% of the total rooms within the north facing façade of block 1 is significantly detrimental to outweigh the benefits of the scheme.
- 9.153 Whilst the proposed scheme would enable an improvement in the daylight levels of 159 of the 278 rooms it is considered that, on balance, the impact of the proposal is acceptable and not unusual within the context of the site and its surroundings.

#### Sunlight

- 9.154 The BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south. Bedrooms and kitchens are less important, although care should be taken not to block too much



sunlight.

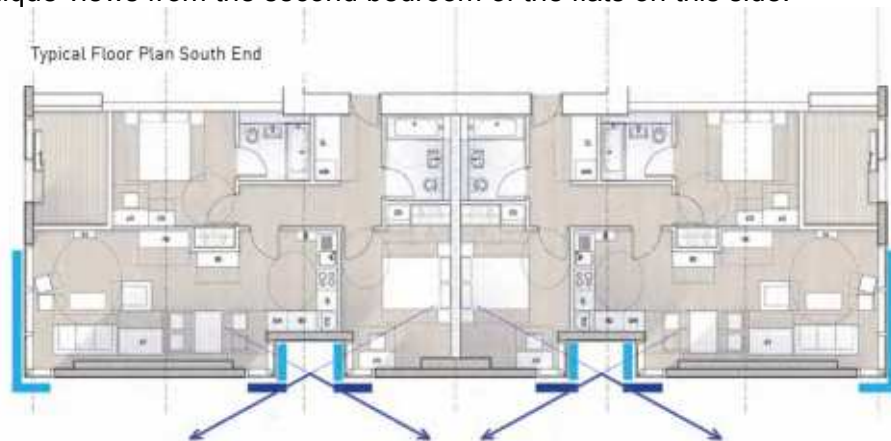
- 9.155 In this case 688 windows have been tested, this equates to 298 rooms. 22 windows do not meet the minimum BRE criteria and the worst affected are within the Cascades and Quayside development. There would be an 87.5% loss of sunlight hours to two bedrooms within Cascades. There would also be a 72% loss to a bedroom window within 1-9 Quayside. These are substantial reductions but the windows do serve bedrooms which as set out above, are considered less important when analysing the loss of sunlight. This was a similar level of sunlight loss under the extant scheme so there is not considered to be a substantiated reason for refusal on this basis.
- 9.156 There are 17 windows within the Cascades development which would have up to a 75% reduction in the sunlight hours as a result of the proposed scheme, the rooms served by these windows are however served by three other windows and as a result the loss of sunlight hours to these living rooms would be 30%, whilst the difference would be discernible, it would not be significantly detrimental.

#### Overshadowing to gardens and open space

- 9.157 The BRE guidelines recommend that at least 50% of the area of all amenity spaces should receive at least 2 hours of sunlight on 21<sup>st</sup> March. If, as a result of a new development an existing amenity area does not meet the above criteria and the area which can receive 2 hours of sunlight on 21<sup>st</sup> March is less than 0.8 times its former value, then the loss of light to be noticeable.
- 9.158 The results from the ES demonstrate that all existing neighbouring amenity areas surpass the minimum BRE recommendations. The results show that 87.5% of more of each amenity space will receive at least two hours of sunlight on 21<sup>st</sup> March. This is very similar to the consented scheme which saw 87.4% of each amenity space receiving at least 2 hours of sunlight.

#### *Privacy*

- 9.159 In addition to any reduction in daylight and sunlight consideration also needs to be given to any loss of privacy which may occur to the neighbouring residents. Within policy DM25 a distance of 18m is suggested as a distance which is normally sufficient to mitigate any significant loss of privacy between habitable facing windows. In this case the windows of the Landmark tower are within 14m of the south elevation of City Pride. In order to prevent direct overlooking there is limited glazing on the south elevation of the building. The diagram below shows how obscure glazing is being used to allow only oblique views from the second bedroom of the flats on this side:



- 9.160 The darker elements which face towards the Landmark are obscure glazed when looked

at directly, however, if the occupants look through the glass at an angle it provides a view through. This is a relatively new concept but allows occupants to have sufficient outlook from the habitable rooms without allowing direct overlooking to the neighbours.

- 9.161 Quayside House is the next closest property to the west of City Pride. This is 21m away and has its flank wall facing towards the application site. Overlooking into the rear windows of the Quayside flats would only be possible at an oblique view from the flats at the southern end of the City Pride tower and even then the distance between windows would be at least 30m. All other properties are significantly further away than the Landmark and are outside of the 18m privacy distance. It is therefore considered that the development would have no significant impacts upon neighbouring occupants in terms of a loss of privacy.

*Outlook / sense of enclosure*

- 9.162 Unlike the impact upon daylight and sunlight, or even measuring privacy, analysing a sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure. As explained above, there is not considered to be any significant detrimental impact in terms of a loss of light or privacy.
- 9.163 The proposed development should be considered in context of the extant scheme. Whilst the development is taller than currently approved the outlook from a number of the lower level flats within the Landmark development would be improved due to the reduced width of the tower at ground to ninth floor in particular but also the proposed reduced width on the upper floors too.
- 9.164 The outlook would be improved for all of the north facing flats at floors one to ten of the Landmark, above this the outlook would be improved for the north facing flats at the eastern edge of the building but would be worse for the flats at the western end of the block due to the southern elevation of City Pride being closer by 20m at floors 11 – 30.
- 9.165 On floors 11-30 there are two flats at the western end of the building which have a worse outlook under the current scheme than under the extant permission. The flat at the end of the building has a dual outlook and therefore the impact is not as significant. The flat which is labelled as flat 2 on each of the floor plans would have a reduced outlook from both the living room windows and the bedroom. This equates to 20 flats with a partially reduced outlook and 20 flats with a more significant reduction in outlook. This should be balanced against the flats which would have an improved outlook due to the reduced width of the building in comparison to the extant scheme. The three flats towards the eastern end of the Landmark tower would have an improved angle of view from their windows under the proposed scheme. This equates to 87 flats with an improved angle of view northwards.
- 9.166 Whilst there are a number of flats which would have an improved outlook in comparison to the extant scheme it is considered that the development in its own right is acceptable as the slender nature of the tower, and its north south orientation would allow the occupiers of the Landmark Tower to benefit from an acceptable outlook, particularly towards the east.
- 9.167 In terms of other surrounding residential properties, the development would clearly be visible from a number of surrounding blocks including Quayside House and Cascades in particular. Quayside house does not face towards the application site and views would only be possible if looking obliquely out of the south facing windows. There is a roof terrace upon the second floor roof of this building which is adjacent to Westferry Road.

This roof terrace would be overlooked by the City Pride development and would also have an impact upon the view from the roof terrace. This is considered to be unavoidable if any development is to come forward on this site and the impact of the extant scheme in comparison to the proposed scheme would be insignificant. On balance, it is not considered that the scheme could reasonably be refused on the impact upon the roof terrace of Quayside House. The flats within Cascades would face towards the application site as this property has a similar north – south axis. At over 70m away it is not considered that any impact in terms of a loss of outlook or sense of enclosure would be significant enough to warrant a refusal of the application.

#### *Conclusion*

- 9.168 The site is within the Tower Hamlets Activity area and within an opportunity area, as such it is anticipated that high density developments would come forward in these locations. The relationship between City Pride and its neighbours is considered acceptable in this context and there is no harm identified above which would be significant enough to warrant refusal of the application.

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

- 9.169 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.
- 9.170 Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD 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.
- 9.171 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 5 (1 being poor and 6 being excellent). It is approximately a 5minute walk to Heron Quay DLR station and 10 minutes to Canary Wharf. A number of bus routes pass the site, the D7, D3, 135 and N550 run along Westferry Road and the D8 runs along Marsh Wall.

#### Highways

- 9.172 The application proposes a basement car park with 40 spaces, 13 of which would be for bluebadge holders. The access to the basement is via a car lift, there would be two lifts, one for going down and one for coming up. They would be set back from Westferry Road in order to provide a reservoir space for cars waiting for the lift so they do not back up onto Westferry Road.
- 9.173 The submitted Transport Assessment demonstrates that the development would result in nine additional car trips in the am peak and 14 in the pm peak. The majority of trips would be generated either to the DLR or to the Jubilee Line or would be carried out on foot. The existing highway network in the vicinity of the site operates within capacity and this assessment shows that the developmentproposals can be accommodated on the surrounding highway network which have been accepted by both TfL and LBH Highways.

#### Servicing and Deliveries

- 9.174 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. The servicing of the development is proposed to be carried out from the private road between the City Pride site and the Landmark development. This is essentially where the 'back of house' elements would occur and a lay-by has been

incorporated into the design of the road. All refuse would be contained within the basement until the refuse vehicle arrives.

- 9.175 From the layby all refuse will be collected and all general servicing needs for the serviced apartments and the residential units would occur from here. Across the day the site would generate 56 two way light goods vehicles movements and 10 two way heavy goods vehicles movements for the residential element. For the serviced apartments there is anticipated to be an additional two deliveries, one in the early morning for the provision of breakfasts and one around 2pm for the linen collection.
- 9.176 Whilst this is a significant number of vehicle movements it is anticipated that a total of only six would occur within the am peak and none are scheduled for the pm peak. As such it is considered that this indicative strategy is acceptable, subject to further details being required at condition stage.

#### Car Parking

- 9.178 Policies 6.13 of the London Plan and policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision. The parking levels for this site should be less than 0.1 for one and two bedroom units and 0.2 for three bedrooms or larger. This equates to a total maximum parking of 80 spaces. The development proposes 40 spaces, 13 of which would be for disabled users. This is in accordance with the policy and is considered acceptable.
- 9.179 The development would be secured as a permit free development, meaning that none of the residents would be able to apply for a parking permit for the surrounding streets.

A travel plan would also be secured for the development which would encourage residents and visitors to utilise sustainable forms of transport.

#### Provision for Cyclists

- 9.180 988 cycle parking spaces are provided in total for the scheme. This equates to 792 for the private flats, 70 for the shared ownership and 25 spaces for staff. These are accessed via a lift within the amenity pavilion. This lift has been increased in size to accommodate two cyclists and bikes at one time. There is also a gully provided on the adjacent staircase should the cyclist choose to wheel their bike down the stairs. Changing rooms and showers for the staff are provided on the first floor. Visitor cycle parking would be located around the site and designed into the landscaping. This would be secured via condition. Overall the level of cycle parking is considered acceptable and it is suitably accessible for future residents of the site.

#### Public Transport Improvements

##### *Docklands Light Railway*

- 9.181 TfL considers that it is likely that most trips will be made from Heron Quay DLR station and a contribution towards wayfinding to this station has been requested by TfL. The contribution of £100,000 would enable a large DLR roundel identifying the station. The applicant has agreed to this.
- 9.182 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.

##### *Crossrail*

- 9.183 The development will be required to make a contribution of around £3,054,275 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*

- 9.184 TfL estimates that the development will have an impact upon the bus capacity within the Isle of Dogs which is currently nearly at capacity. As a result TfL have requested £200,000 towards improving the bus services which serve the site, which the applicant has agreed to.

TfL have also requested that no bus stops within the vicinity of the site should be altered without prior consent from their infrastructure team. This would be added as an informative to any permission granted.

#### Pedestrian Environment

- 9.185 The development will add a significant number of additional pedestrian trips locally, either accessing surrounding public transport nodes or walking directly to the Canary Wharf area. As a result a number of highways improvements have been incorporated into the scheme.
- 9.186 The building has been set back from the western edge of the site so there would be a footway width of between 4m and 7.2m along the western edge of the building. An area of public realm and public open space is provided on the eastern side of the building which also improve the pedestrian environment within the immediate vicinity of the site. A raised table and drop-off zone to the front of the site would signal to drivers to slow down as there is a vehicle entrance and there are also likely to be additional pedestrians.
- 9.187 Where possible existing guard railing around the site would be removed as part of the highways works, in consultation with the Council's highways team. Overall, given the enhanced landscaping around the site and the additional footway width along the Westferry Road elevation, there is considered to be an improvement to the pedestrian environment locally.
- 9.188 The Council's highways team have sought £250,000 towards improvements to the surrounding streets, mainly on the approach to South Quay DLR station and also upgrades to crossing points on Westferry Road and Marsh Wall which serve the site.

#### Inclusive Access

- 9.189 Policy 7.2 of the London Plan (2011) Policy SP10 of the CS and Policy DM23 of the MDD 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.
- 9.190 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 generally been designed with the principles of inclusive design in mind.

Bollards are proposed across the eastern boundary of the site, whilst the general principle is to reduce street furniture in order to improve the pedestrian environment and made it more accessible, in this instance the bollards are required as a hostile vehicle prevention measure by the metropolitan police and on balance are considered acceptable.

- 9.191 The use of tactile paving assists with visually impaired people when walking across the shared drop-off space and delineating where the pavement finishes and highway begins

along Marsh Wall. Further details of the hard landscaping would be requested via condition.

### **Energy & Sustainability**

- 9.192 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 9.193 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)
- 9.194 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).
- 9.195 The information provided in the submitted energy strategy is principally in accordance with adopted the 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 London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 9.196 Policy DM29 within the Managing Development Document requires developments to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM29 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 residential development to achieve Code for Sustainable Homes Level 4.
- 9.197 The energy strategy involves reducing carbon dioxide emissions by 7% below those of a 2012 Building Regulations compliant scheme through energy efficient measures alone. The main source of power would be from a gas fired CHP plant which exists within the Landmark development and a secondary CHP plant within the City Pride scheme itself. When combined with the energy efficiency measures a total carbon emissions savings would be 35%.
- 9.198 The energy strategy fails to comply with the 'be green' part of the Mayor's hierarchy. The GLA have accepted this in their stage 1 response on the basis that the development complies with the overall reduction in carbon emissions required within the London Plan policies.
- 9.199 The applicant has investigated the use of photovoltaic panels to provide a source of renewable energy, however these have not been found to be practical in this instance. The applicant has provided the following response to the use of PV panels: "Façade mounted PV systems generate less energy per unit of area when compared with traditional panels due to their technology and orientation and would be significantly detrimental to the current elevational design by the addition of a dark zone on the middle of the southern elevation, at a level above the shadow line of The Landmark development. The PV will also increase the maintenance requirements for the façade which on a tower building such as City Pride is a very important consideration. For these reasons the integration of façade PV is not proposed, and additional carbon savings will be achieved through other measures."
- 9.200 The development will also achieve the code for sustainable homes level 4 which is in accordance with adopted policy DM29.

On balance, it is considered that the development is acceptable and provides a sufficient level of climate change mitigation and relevant conditions are included within the recommendation.

## **Environmental Considerations**

### Air quality

- 9.201 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 9.202 In this case the development provide a minimal level of car parking, placing a reliance on more sustainable methods of transport. The use of a decentralised energy centre helps to reduce carbon emissions and the soft landscaping around the site including the amenity pavilion roof would assist with urban greening.

### Noise and vibration.

- 9.203 The environmental statement identifies that there will be a negligible effect on air quality resulting from this development. This is a result of the above, positive measure, combined with the impact of the construction process. It should also be noted that measures to control dust from the site during construction would be considered as part of a construction management plan.
- 9.204 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 9.205 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
- 9.206 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 impacts which will be conditioned accordingly.

### Flood Risk

- 9.207 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process.
- 9.208 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment and describes various potential flood mitigation options.
- 9.209 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.

- 9.210 The site is protected by raised flood defences along the River Thames. In addition to this the non-vulnerable uses are located at ground and basement level with the more vulnerable uses i.e. residential located on the upper floors of the building. The basement would be waterproofed and sustainable drainage measures have been included within the design of the scheme to reduced surface run-off. Soft landscaping around the site, including the amenity pavilion roof would also assist in refusing surface run-off into the drains which can cause flooding. 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).
- 9.211 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

- 9.212 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD 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 MDD also requires elements of living buildings.
- 9.213 Through the provision of a landscaping scheme that includes native planting at ground level such as trees, scrubs and planting on the roof of the amenity pavilion the proposed Development provides an ecological enhancement to the local area.
- 9.214 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.

### **Health Considerations**

- 9.215 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.
- 9.216 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.
- 9.217 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.
- 9.218 The applicant has agreed to a financial contribution of £1,010,238 to be pooled to allow for expenditure on health care provision within the Borough.
- 9.219 The application will also propose public open spaces within the site which are to be



delivered. 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 route through to existing public open space.

- 9.220 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**

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

- 9.222 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.

- 9.223 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.

- 9.224 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

- 9.225 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

- 9.226 In order to ensure that the proposed development was 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 37% affordable housing based on a social rent/affordable rent to intermediate split of 72% and 28% respectively (across the City Pride and Island Point sites). The independent advice concluded that 35% affordable housing based on the above split is all that could viably be provided, however the applicant is offering 37% on the assumption that the viability may have improved at the time the developments are completed. The independent advice therefore concluded that: "the development is providing the maximum

reasonable amount of affordable housing”.

9.227 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 Document and Planning Obligations SPD (2012).

9.228 Also factored into this was financial contributions in full accordance with the planning obligations SPD, a total for both sites of **£8,294,542**. As the site is providing 100% affordable housing it would not be liable for any Mayor of London CIL charges. However, combined with the City Pride development the total CIL charge would be **£3,045,490**.

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

m) A contribution of £201,376 towards enterprise & employment.

n) A contribution of £596,451 towards leisure and community facilities.

o) A contribution of £168,269 towards libraries facilities.

p) A contribution of £341,498 to mitigate against the demand of the additional population on educational facilities.

q) A contribution of £1,010,238 towards health facilities.

r) A contribution of £1,180,522 towards public open space.

s) A contribution of £19,860 towards sustainable transport.

t) A contribution of £54,120 towards streetscene and built environment.

u) A contribution of £200,000 towards TfL London Buses.

v) A contribution of £120,000 towards wayfinding and real-time departure screens

w) A contribution of £250,000 towards highways improvements within the vicinity of the site and along Marsh Wall towards South Quay DLR station.

x) A contribution of £82,846 towards S106 monitoring fee (2%)

### **Localism Finance Considerations**

9.239 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:

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.

In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use:

a) ;

- 9.242 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 9.243 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. 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.
- 9.244 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 £3,045,490.
- 9.245 With regards to the New Home Bonus. 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 un-ring-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.
- 9.246 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**

- 9.247 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:-
- 9.248 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".

- 9.249 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.
- 9.250 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.
- 9.251 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.
- 9.252 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.253 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.
- 9.254 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

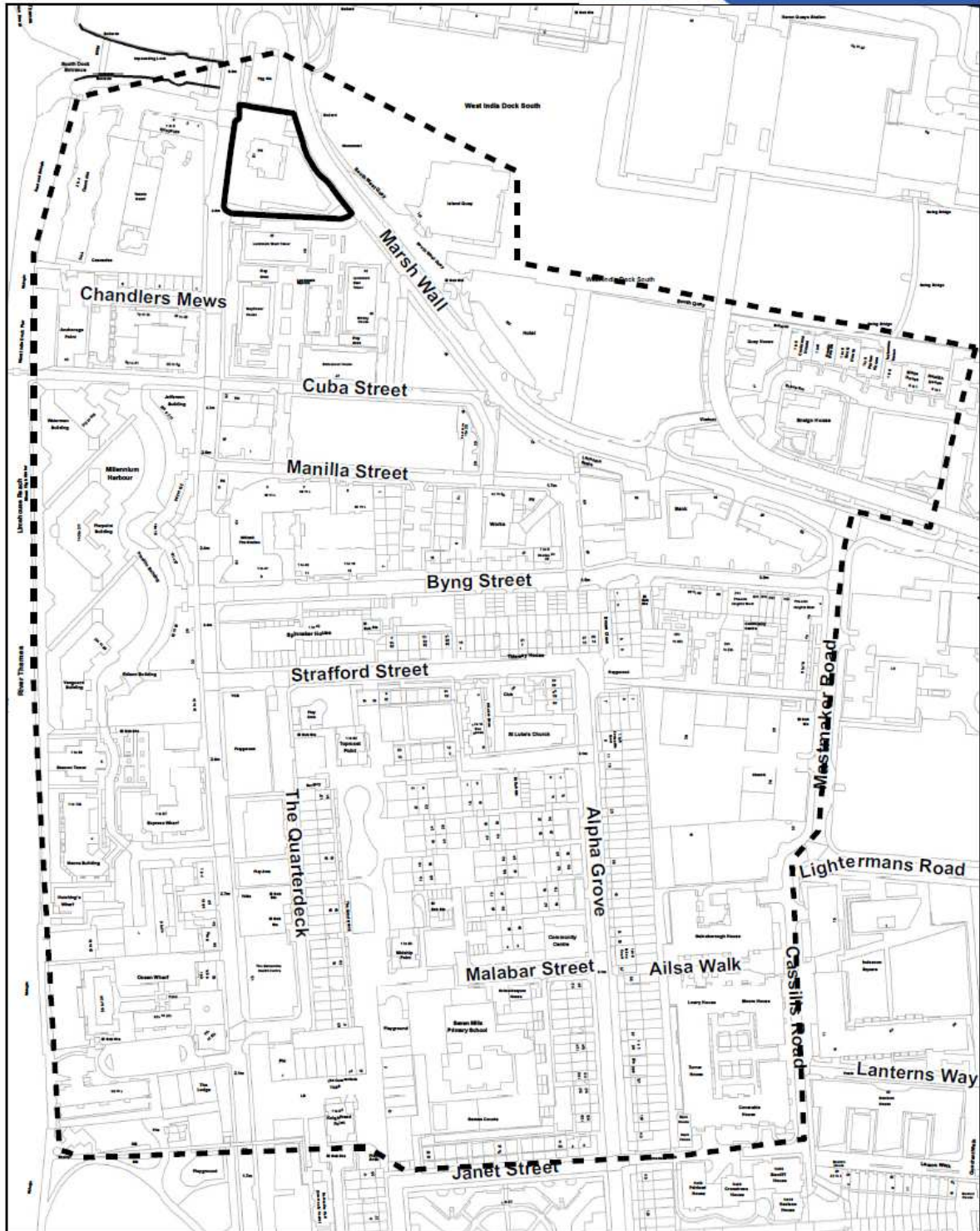
and leisure facilities provide opportunities for the wider community.

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 cluster of buildings to the north of the Isle of Dogs, it would provide a high quality, well designed mixed use scheme including much needed market and shared ownership housing. The proposals comply with the national, London 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 PA/12/03248



Planning Application Site Boundary

Locally Listed Buildings

Consultation Area

Statutory Listed Buildings



1:3,000

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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