

Committee: Strategic	Date: 29 th November 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Application for full Planning Permission
Case Officer: Richard Humphreys	Ref No: PA/16/00477 GLA Ref. D&P/2420c/01
	Ward: Canary Wharf

1. APPLICATION DETAILS

Location: 30 Marsh Wall, E14 9TP

Existing Uses: 5,519 m2 7-storey building comprising 5076 m2 of Class B1 offices and 443 m2 of Class D1 community use.

Proposal: Demolition of the existing building and erection of a 43 storey building comprising flexible retail (Use Classes A1-A4) and community uses (Class D1) at podium, lower ground and ground level, 271 residential (Class C3) units on the upper levels, new landscaping and public realm, ancillary servicing and plant, car and cycle parking at basement level and associated works.

The application is accompanied by an Environmental Impact Assessment and represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council must take the environmental information into consideration.

Drawing and documents:

Drawings:

Drawing No(s). Title

208_GA_B2 Proposed Basement Level 02 Floor Plan
208_GA_B1 Proposed Basement Level 01 Floor Plan
208_GA_LG Proposed Lower Ground Floor Plan
208_GA_00 Proposed Ground Floor Plan
208_GA_01 Proposed First Floor Plan
208_GA_02 Proposed Typical Social Rental Plan – 6 Units
208_GA_07 Proposed Typical Social/Intermediate Rental Plan – 6 Units
208_GA_10 Proposed Intermediate/Gym Plan – 4 Units
208_GA_11 Proposed Private Plan – 7 Units
208_GA_12 Proposed Typical Private Plan – 8 Units
208_GA_31 Proposed Typical Private Plan – 6 Units
208_GA_39 Proposed Duplex Plan – 5 Units
208_GA_40 Proposed Duplex Plan 1 Units (Upper)
208_GA_41 Proposed Duplex Plan – 6 Units
208_GA_42 Proposed Duplex Plan – 6 Units (Upper)

208_GA_RF Proposed Roof Plan
 208_AP_01 Typical 1 Bed Apartment Layouts
 208_AP_02 Typical 2 Bed Apartment Layouts
 208_AP_03 Typical 2 Bed Apartment Layouts
 208_AP_04 Typical 3 Bed Apartment Layouts
 208_AP_05 Typical 3 Bed Duplex Apartment Layouts
 208_AP_06 Typical 3 Bed Duplex Apartment Layouts
 208_AP_07 Typical 2 Bed Duplex Apartment Layouts
 208_PS_01 Typical 2 Bed Wheelchair Accessible Apartment
 Layout
 208_PS_02 Typical 1 Bed Wheelchair Accessible Apartment
 Layout
 208_GE_00 Proposed Elevations (All)
 208_GE_01 Proposed North East Elevation
 208_GE_02 Proposed South East Elevation
 208_GE_03 Proposed South West Elevation
 208_GE_04 Proposed North West Elevation
 208_GE_05 Proposed North East Context Elevation
 208_GE_06 Proposed South East Context Elevation
 208_GE_07 Proposed South West Context Elevation
 208_GE_08 Proposed North West Context Elevation
 208_GS_01 Proposed Cross Section
 208_GS_02 Proposed Long Section
 208_S_01 Rev A Location Plan
 208_S_02 Proposed Landscape Context Plan

Documents

Environmental Statement – Metropolis Green
 Planning Statement – DP9 Ltd;
 Design and Access Statement - 21st Architecture;
 Statement of Community Involvement – Your Shout;
 Landscaping Strategy and Plans – Cameo Landscape
 Architects;
 Affordable Housing Statement - Pioneer;
 Affordable Housing and Financial Appraisal Supporting
 Statement – Pioneer;
 Sustainable Statement – Metropolis Green;
 Energy Strategy – Metropolis Green;
 Transport Assessment – WSP;
 Aviation – Donald Butler Associates;
 Ecological Appraisal – ACD Ecology;
 Waste Strategy – WSP;
 Flood Risk Assessment – WSP;
 Existing Building Report – Levy;
 Servicing Management Plan – WSP;
 Vertical Transport Study – Hoare Lea;
 Wind Microclimate – BMT Fluid Mechanics.

; **Applicant:** MW 30 LTD
 Ownership: MW 30 LTD
 LBTH (Highway land)

Historic Building:	None on site. Within the setting of the Grade II former entrance to West India South Dock.
Conservation Area:	None but within setting of UNESCO Maritime Greenwich World Heritage Site

2. EXECUTIVE SUMMARY

- 2.1. The application has been assessed against the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the development plan for the area comprising the London Plan 2016 and the Tower Hamlets Local Plan (jointly the Core Strategy 2010 and the Managing Development Document 2013) together with other material considerations including the Mayor's *'Housing'* Supplementary Planning Guidance 2016, the Council's South Quay Masterplan 2015. and the Building Research Establishment's publication – *'Site layout planning for daylight and sunlight: a guide to good practice.'*
- 2.2. The existing building has no statutory protection and no objection is raised to its demolition. On balance, no land use objection is raised to the loss of the existing offices and Class D1 floorspace (Community non-residential institution) followed by redevelopment by retail and / or community uses at podium, lower ground and ground level and 271 residential units above.
- 2.3. The proposed residential density approaches four times the upper figure of the indicative density range provided London Plan Table 3.2 – *'Sustainable residential quality density matrix'* for areas with PTAL5. The proposal involves a development of such density that there would be significant adverse impacts typically associated with overdevelopment in terms of residential quality, inadequate amenity space, unresolved microclimate conditions especially wind, and impact on the surroundings particularly sunlight / daylight. It has not been demonstrated that measures to mitigate overlooking and ensure privacy would result in satisfactory natural light within the proposed housing.
- 2.4. Whilst South Quay is an appropriate location for tall buildings, the constraints of the site including the proximity of adjoining development mean that the proposal would not accord with development plan policy criteria to assess the impact of such a building. The site is identified in the South Quay Masterplan for the location of a building no taller than 12 storeys.
- 2.5. On balance, the proposed dwelling mix is considered policy compliant in both the affordable and market sectors.
- 2.6. The affordable housing offer of 24.1% is a shortfall of 10.9 % against the Local Plan target. A significant amount of the shortfall is due to a £6.5 million contingency to meet potential Right of Light payments to adjoining owners. Town planning is distinct and separate from the private law of easements which in the case of right to light needs to be established over a 20 year period or inherited. The submitted Viability Assessment does not identify properties that might be eligible. It is not considered that the affordable housing shortfall is financially justified.

- 2.7. The scheme would not adversely impact on the setting of the UNESCO Maritime Greenwich World Heritage Site, other designated heritage assets or strategic views in the London View Management Framework.
- 2.8. Transport matters, including car and cycle parking, access and servicing, whilst not fully resolved, are considered acceptable in principle subject to conditions and a legal agreement.
- 2.9. The scheme would fail to meet development plan carbon emission savings. Unless a connection can be made to the Barkantine District Heating network this would require mitigation by a carbon offsetting contribution. The submitted BREEAM pre-assessment shows the design and construction techniques are intended to achieve BREEAM '*Excellent*' and would be policy compliant.
- 2.10. Flood risk and drainage strategies would be satisfactory in principle subject to further details of sustainable urban drainage.
- 2.11. The submitted Environmental Statement is not regulatory compliant and it has not been possible to issue a Final Review Report.

3. RECOMMENDATION

- 3.1. That subject to any direction by the London Mayor, planning permission is **REFUSED** for the following reasons:

Reasons

Site design principles

1. The proposal amounts to overdevelopment that seeks to maximise not optimise the development potential of the site. There would be conflict with London Plan Policy 3.4 '*Optimising housing potential*' (including Table 3.2 - '*Sustainable residential quality density matrix*'), Policy 7.6 '*Architecture*', Tower Hamlets Core Strategy Policy SP02 '*Urban living for everyone*' and the Mayor's '*Housing*' SPG 2016. This is explained more fully in the reasons below.

Impact on surrounding sites

2. The development would unacceptably impact on the amount of daylight and sunlight that would be received by surrounding properties, with a commensurate increased sense of enclosure, breaching guidance in the Building Research Establishment handbook '*Site Layout Planning for Daylight and Sunlight*' 2011. The extent and severity of the impacts are such that the development would not be consistent with the Mayor's London Plan Policy 7.6 '*Architecture*', Tower Hamlets Core Strategy Policy SP10 '*Creating Distinct and durable places*', the Managing Development Document Policy DM25 '*Amenity*'. There would also be conflict with the Placemaking Principles of the South Quay Masterplan 2015 that require development to maximise levels of natural light. These indicate that the density, height, massing and layout of the scheme are not appropriate. The proposed development would unacceptably affect the development potential of the Cuba Street site to the south.

Housing quality

3. There 'would be deficiencies in housing quality standards including failure to meet the Technical housing standards – nationally described space standard and the Mayor's Housing SPG 2016 regarding private amenity space, communal amenity space and child play space. Microclimate conditions are unresolved. It has not been demonstrated that measures to mitigate overlooking and ensure privacy would result in satisfactory natural light within the proposed housing with failures of the Building Research Establishment's daylight and sunlight guidance. This would conflict with London Plan 2015 Policy 3.5 '*Quality and design of housing developments*' and Policy 3.6 '*Children and young people's play and informal recreation facilities*', the Mayor's '*Housing*' SPG 2016, together with Tower Hamlets Core Strategy Policy SP02 '*Urban living for everyone*' and the Managing Development Document Policy DM4 '*Housing Standards and Amenity Space*' and Policy DM25 '*Amenity*.'

Urban Design

4. Statutory policy and guidance require development to provide buildings and places of a high quality design, suitably located and sensitive to the locality. Microclimate conditions affecting surrounding streets and spaces are unresolved. The impacts of the proposed development mean that the scheme would conflict with the design principles within Chapter 7 of the London Plan particularly Policy 7.6 '*Architecture*' and Policy 7.7 '*Tall and large scale buildings*.' There would also be conflict with Tower Hamlets Core Strategy Policy SP10 '*Creating distinct and durable places*' and Managing Development Document Policy DM24 '*Place sensitive design*,' Policy DM26 '*Building heights*' together with the design principles of the Mayor's Housing SPG 2016 and the South Quay Masterplan 2015. Whilst the development of this site has the potential to generate substantial public benefits, the benefits of the development, namely new housing, would not outweigh the harm that would ensue.

Environmental Statement

5. The submitted Environmental Statement fails to comply with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

4. SITE AND SURROUNDINGS

- 4.1. The triangular shaped application site is located on the western side of the Isle of Dogs east of Westferry Road at the end of West India Dock South Quay. It is bounded by Marsh Wall to the east, Cuba Street to the south and to the west by a private vehicular ramp within the recent '*Landmark*' development No. 22 Marsh Wall.
- 4.2. The site area shown on Figure 1 below measures 0.19 hectare and includes steps leading to Marsh Wall from Cuba Street and adjoining land within the applicant's ownership and land forming the Cuba Street public highway within the Council's ownership.

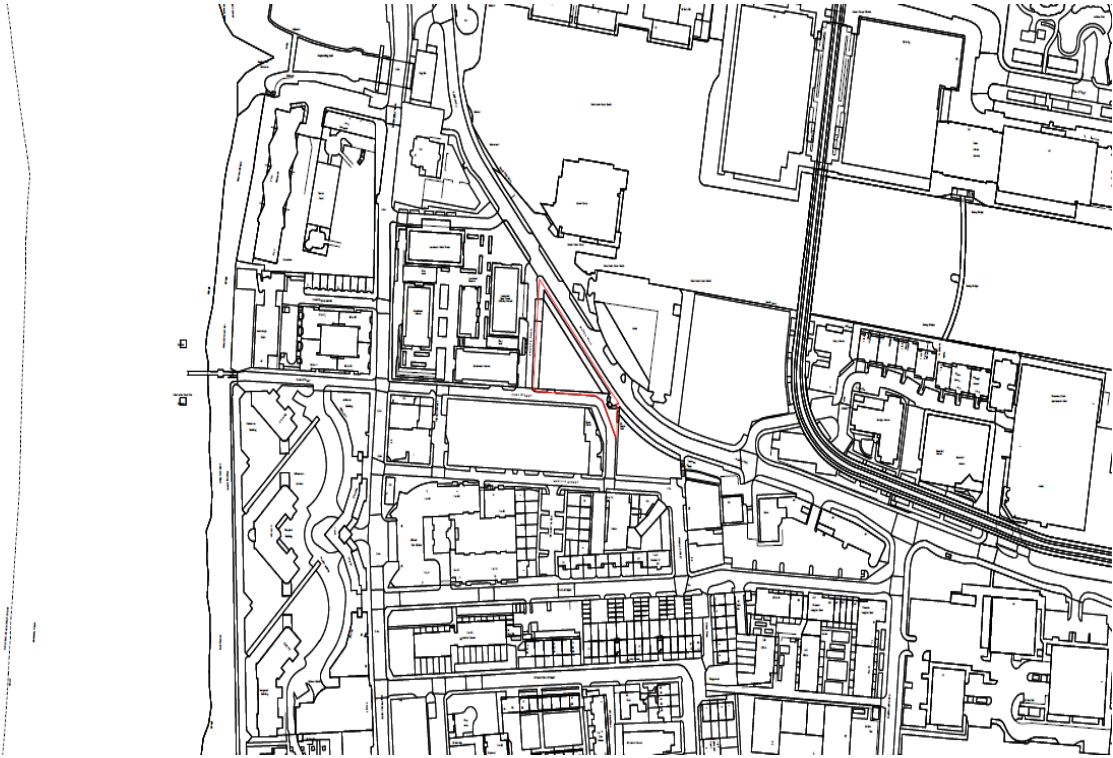


Figure 1. Site plan 30 Marsh Wall edged red

- 4.3. The site is occupied by a 5,519 sq. m. 6-7-storey early 1990's building on basement, ground and five upper floors comprising 5,076 m². of Class B1 offices and 443 m² of Class D1 floorspace (Non-residential institution) previously used as a NHS Drop in Centre and currently occupied by the charity Streets of Growth. There are 32 basement car parking spaces with vehicular access and servicing taken from Cuba Street. The existing building footprint occupies the entire triangular plot.
- 4.4. There is a fall in ground levels from north to south across the site. This results in the ground floor on Marsh Wall (serving as the main entrance to the building and the former medical facility) being a full storey above the ground floor on Cuba Street with two flights of steps available for public use at the eastern end of Cuba Street providing pedestrian access between the two streets.
- 4.5. To the south, other than a 9-story residential building with ground floor retail (No.19 Cuba Street), the 0.36 ha. site bounded by Cuba, Manilla and Tobago Streets is vacant and subject to a current planning application for redevelopment by two buildings of 41-storeys (136 m. AOD) and 26-storeys (87 m. AOD) to provide 448 residential units, retail / community uses and public open space (PA/15/2528).
- 4.6. To the west, the '*Landmark*' development comprises four buildings used as 691 dwellings with 3,107 m² of retail, offices and community uses on the lower floors. Of these, the 8-storey '*Endeavour House*' and the 40-storey '*Landmark East Tower*' (Whitby House) immediately adjoin the application site.
- 4.7. East across Marsh Wall the 1990's Britannia International Hotel, No. 163 Marsh Wall, is approximately 10-storeys tall. East of the Britannia Hotel, Arrowhead Quay is being redeveloped by two buildings of 55 and 50-storeys to provide 756

residential units, a 113 m2 cinema and 701 m2 ground floor retail uses (the 'Wardian').

- 4.8. To the south-east at No 40 Marsh Wall a 38-storey building plus basements to provide a 305 bedroom hotel '(Novotel)' and serviced offices is nearing completion (PA/10/1049).



Figure 2. 30 Marsh Wall. Marsh Wall elevation – The 'Landmark' (Whitby House) in the background

- 4.9. 30 Marsh Wall is not listed of architectural or historic interest but lies within the setting of the former entrance to West India South Dock - Grade II listed. It does not lie within or affect the setting of a conservation area. The site is some distance from the Tower of London and Maritime Greenwich UNESCO World Heritage Sites but sits within a number of strategic views and river prospects identified in the Mayor's London View Management Framework including View 5A.1: Greenwich Park; View 6A.1 Blackheath; View 11B.1: London Bridge; View 11B.2: London Bridge; View 12B.1: Southwark Bridge, and View 15B.1: Waterloo Bridge.
- 4.10. The site has a Transport for London (TfL) public transport accessibility level PTAL5 'Very Good' and is within 300-400 m. of Heron Quays & South Quay DLR stations and 500 m. from Canary Wharf Jubilee Line Underground station. Canary Wharf Elizabeth Line Crossrail station is due to open in 2018. Bus routes 135, 277, D3, D7 and D8 serve Marsh Wall & Westferry Road.

- 4.11. The Isle of Dogs is served by cycle routes linking to the wider network. The nearest docking station of the Mayor's Cycle Hire scheme is some 400 m. from the site.
- 4.12. The site is approximately 160 m. east of the River Thames. It lies within the Environment Agency's Flood Zone 3 (High Risk) i.e. greater than 0.5% per annum (less than 1:200 probability a year) but is protected by local river wall defences and the Thames Barrier to 1 in a 1,000 year probability (Low Risk).
- 4.13. The entire Borough of Tower Hamlets is an Air Quality Management Area.
- 4.14. The site lies within the Greater London Authority's Isle of Dogs & South Poplar Opportunity Area and a Regeneration Area, a Tower Hamlets Activities Area, the Council's South Quay Masterplan Area, the Isle of Dogs Neighbourhood Planning Area, a London City Airport Safeguarding Zone & the Crossrail SPG Charging Zone.
- 4.15. 30 Marsh Wall is within an area exempt from the office to residential change of use permitted development right introduced in 2013.

5 PROPOSAL

- 5.1 Application is made for full planning permission to redevelop 30 Marsh Wall to provide a 43-storey building comprising:
- 1,114 m² of commercial and community floorspace [Classes A1 (Shop), A2 (Financial and professional services), A3 (Café restaurant) A4 (Drinking establishment) & D1 (Non-residential institution) at lower ground and ground floors with entrances and an active frontage on Marsh Wall;
 - 271 residential units on the upper levels,
 - At basement level 34 residential car parking spaces in two stacking systems (sized to accommodate vehicles for disabled motorists) and 4 motorcycle spaces, all accessed from Cuba Street.
 - At lower ground floor 376 cycle parking spaces – 274 spaces for market housing, 102 spaces for the intermediate housing and affordable rented housing.
 - Landscaping and public realm works including new steps and a small '*pocket park*' between 40 Marsh Wall and Cuba Street.
- 5.2 The current building is partially being used by the charity Streets of Growth that works with local young people to allow them to re-connect with work and lifestyle opportunities. The applicant intends that the charity occupies the proposed 1,114 m² of commercial and community space.
- 5.3 The building would occupy the entire triangular site at two basement levels, lower ground, ground and 1st floor. A '*trapezoidal tower*' partially suspended would rise above the 1st floor podium. To ensure privacy between the proposed development, the '*Landmark*' and future development of the Cuba Street site to the south, residential windows on two faces of the tower would be provided with external perforated anodised louvers.

- 5.4 Shared amenity spaces are proposed at 1st, 10th and 39th floor levels, but only the 1st floor would be available for use by the occupants of the affordable housing combining external and internal spaces for a variety of play and other uses.



Figure 3. South west elevation

- 5.5 The residential tenure mix would be 219 market and 52 affordable units (16 intermediate and 36 affordable rented). A detailed breakdown of the proposed tenure split is provided in '*Material Planning Considerations*' below. The affordable housing offer is 24.1% by habitable rooms.
- 5.6 The main entrances to the residential accommodation would be on Marsh Wall where a separate affordable housing entrance would adjoin the private entrance.

Refuse and bike stores would be located in the basement with a shared tenure entrance at lower ground floor level allowing access to Cuba Street.



Figure 4. Relationship with proposed Cuba Street development



Figure 5. Proposed Marsh Wall elevation

5.7 As set out at paragraph 6.2 below, the application follows an earlier scheme Ref. PA/13/03161 that went undetermined. The differences between the current application and application PA/13/0316 may be summarised as:

- A reduction in the residential density from 4,626 hr/ha to 4,100 hr/ha;
- Height reduction from 52 to 43-storeys;
- Reduction in the number of residential units from 471 to 271;
- Reduction in the number of flats per floor from 12 to 8;
- A 30% reduction in the footprint of the tower;
- Replacement of the commercial unit at street level, revised podium design and provision of a residential amenity deck;
- Revised proposals to the public realm, steps to Marsh Wall, and landscaping surrounding the building.

6 MATERIAL PLANNING HISTORY

Application site

6.1 PA/06/00006: Change of use of the southern ground floor unit to a NHS 'walk in' medical centre. Permitted 6th March 2006.

6.2 PA/13/03161: Redevelopment by a mixed use scheme over two basement levels, lower ground floor, ground floor and 52 upper floors (180 m. AOD) comprising 410 residential units, 1,781 m² of offices, 231 m² of community space, 73 m² of café / shop, communal amenity space at 4th, 24th, 48th and 49th floors, plant rooms, bin stores, cycle parking and 50 basement car parking spaces. Officers advised the applicant of concerns regarding:

- Multiple symptoms of overdevelopment,
- Impact on the amenity of neighbouring residential development due to loss of daylight and overshadowing, overbearing sense of enclosure;
- Poor public realm legibility;
- Conflict with tall buildings policy and failure to create an attractive human scale at street level;
- Unsatisfactory dwelling mix with insufficient family housing;
- Inadequate amount of affordable housing;
- Deficiencies in the Environmental Statement.

6.3 The application went undetermined and was treated as finally disposed of by the Council.

Nearby sites

6.4 The following permissions have been granted in recent years for major development in the vicinity of 30 Marsh Wall:

Alpha Square (50 Marsh Wall, 63-69 and 68-70 Manilla Street)

6.5 PA/15/02671: Redevelopment by three buildings of 65, 20 and 34-storeys comprising 634 residential units, 231 hotel rooms, a health centre, school, ground floor retail with a landscaped piazza, public open space and vehicular access, car parking, cycle storage and plant with retention of the 'North Pole' Public House, 74 Manilla Street. Taken over by the Mayor of London and permitted in principle April 2016.

Land bounded by Park Place, Westferry Road and Heron Quay Road (Newfoundland)

- 6.6 PA/14/02134: Erection of a 58-storey and linked 2-storey building with basement to provide 568 residential units, 7 ancillary guest units, flexible Class A1-A4 retail use, car and cycle parking and pedestrian bridge. Permitted 5th December 2014.

- Arrowhead Quay, Marsh Wall (East of the Britannia Hotel) (the 'Wardian')
6.7 PA/12/03315: Construction of two buildings of 55 and 50-storeys to provide 756 residential units, 113 m² cinema plus 701 m². ground floor retail uses. Permitted 19th February 2015.

City Pride Public House, 15 Westferry Road

- 6.8 PA/12/03248: Redevelopment by a 75-storey tower (239 m. AOD) comprising 822 residential units, 162 serviced apartments, Class A1-A4 retail uses and open space. Permitted 9th October 2013.

- Land at bounded by Cuba, Manilla and Tobago Streets
6.9 PA/11/01299: Full planning application for mixed use development of two towers of 40-storeys (127 m. AOD) and 52-storeys (160 m. AOD) comprising 429 residential units and 120 bedroom hotel. Undetermined and finally disposed of 7th October 2013.

- 40 Marsh Wall
6.10 PA/10/01049: Redevelopment by a 38-storey, 305 bedroom hotel. Permitted 15th November 2010.

- The 'Landmark' 22-28 Marsh Wall, 2 Cuba Street & 17-23 Westferry Road
6.11 PA/05/00052: Construction of buildings 40, 30 and 8-storeys to provide 691 dwellings and 3,107 sq. m. of retail, offices and community uses. Permitted 24th May 2006.

- 4 Mastmaker Road (Phoenix Heights).
6.12 PA/05/01781: Construction of buildings up to 21-storeys comprising 190 residential units, retail, food and drink and community use. Permitted 20th June 2007.

- Site north of Byng Street and junction of Westferry Road and Byng Street
6.13 PA/02/00891: Full planning permission to erect the new Millwall Fire Station, bar/restaurant and gym and 173 residential flats in a development up to 9-storeys with ancillary basement car parking. Permitted 6th February 2003.

Current application

- Land bounded by Cuba, Manilla and Tobago Streets (adjoining 30 Marsh Wall)
6.14 PA/15/02528: Redevelopment by a residential-led mixed use scheme of two buildings 41-storeys (136 m. AOD) and 26-storeys (87 m. AOD) to provide 448 residential units, flexible retail/community uses with public open space and public realm improvements. To be determined.

Pre-application advice

- 6.15 Following the disposal of application PA/13/3161 at 30 Marsh Wall, the developer's agent sought formal joint GLA / LBTH pre-application advice (PF/15/00111). By

letter dated 4th November 2015, GLA and Council officers provided advice that may be summarised as follows:

Key Influences on achieving optimum building height

- Height set between Landmark East and the hotel at 40 Marsh Wall might be acceptable in townscape terms. The height must show regard to neighbouring developments and the place making principles in the South Quay Masterplan including visual layering and variation in the skyline to ensure that the emerging tall building cluster at the western edge of South Quay contributes positively to the townscape.
- The cumulative impacts of developments will need careful assessment by a townscape analysis to ensure new developments contribute positively to the area achieving a cohesive tall building group, not an overly dense and cramped cluster overbearing neighbouring sites and streets. There is risk of the latter due to the small plot size with awkward triangular geometry and the plot coverage proposed.
- 18 m. minimum separation distance to Landmark East, Cuba Street and the Britannia Hotel may satisfy physical amenity concerns (e.g. adequate outlook, sense of enclosure, daylight/sunlight for occupants of the scheme and neighbouring residential developments) but still may prove problematical in a broader townscape assessment due to the tight physical relationships with adjoining plot frontages given the modest scale of the surrounding streets, associated public realm and the scale of the buildings fronting them.
- The height must acknowledge and be a function of the site's capacity to absorb the density generated.
- The scheme should meet the minimum child play space standards on-site.

Delivering public realm/ improved pedestrian links

- 6.16 Within the South Quay Masterplan area, new development should frame and deliver high quality, legible and inviting public realm and improve pedestrian routes. Better pedestrian connectivity and public realm is required between Marsh Wall and Cuba Street.

Residential Amenity

- Internal kitchens without windows are unacceptable,
- The depth of units is a concern,
- Minimise/eliminate single aspect units on the northern elevation.
- Housing and private amenity space standards to be met,
- Concerns regarding the degree of overshadowing of the residential units on the southern edge of the building from the submitted scheme on Cuba Street.
- Wheelchair units to meet standards,
- Communal amenity space of suitable quality and standards to be provided.

Residential mix

- 6.17 Residential mix should comply with the borough's targets although variation in the intermediate sector could be acceptable.

7 LEGAL AND PLANNING POLICY FRAMEWORK & ALLOCATIONS

- 7.1 In determining the application the Council has the following main statutory duties to perform:

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).
- To have regard to the provisions of the development plan, so far as material to the application, to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990).

The Development Plan

7.2 The development plan for the area comprises the London Plan 2016 and the Tower Hamlets Local Plan that comprises the Adopted Policies Map, the Core Strategy 2010 and the Managing Development Document 2013. The London Plan was republished in March 2016 to bring it in line with national housing standards and car parking policy.

7.3 30 Marsh Wall is designated as follows:

London Plan

Isle of Dogs & South Poplar Opportunity Area
Area of Regeneration

Tower Hamlets Local Plan Adopted Policies Map

Food Zone 3
Tower Hamlets Activity Area
Isle of Dogs Neighbourhood Planning Area

Tower Hamlets Managing Development Document (MDD)

30 Marsh Wall is not within a site allocation.
Green Grid runs along Cuba Street

7.4 The following national, regional and local policies are relevant to the application:

7.5 **National policy**

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Technical housing standards – nationally described space standard 2015

Regional policy

7.6 The London Plan 2016

- 2.9 Inner London
- 2.13 Opportunity Areas
- 2.14 Areas for regeneration
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing

- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 4.1 Developing London's economy
- 4.2 Offices
- 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
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 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
- 7.8 Heritage assets and archaeology
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London View Management Framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.30 London's canals and other river and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

Local policy

- 7.7 Tower Hamlets Core Strategy 2010
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
- 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

7.8 Managing Development Document 2013

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM2 Local shops
- DM3 Delivery Homes
- DM4 Housing standards and amenity space
- DM8 Community infrastructure
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water spaces
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM16 Office locations
- DM20 Supporting a sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building heights
- DM27 Heritage and the historic environments
- DM28 World heritage sites
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated land

7.9 **Supplementary Planning Documents**

Greater London Authority

- The Mayor's Housing SPG May 2016
- Accessible London: Achieving an Inclusive Environment 2014
- Guidance on preparing energy assessments 2015
- Sustainable Design and Construction SPG 2014
- The Control of dust and emissions during construction and demolition 2014
- Shaping Neighbourhoods: Character and Context 2014
- London Planning Statement 2014
- Use of Planning Obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy 2013
- River Action Plan 2013
- London View Management Framework 2012
- East London Green Grid Framework 2012
- Shaping Neighbourhoods Play and Informal Recreation 2012
- London World Heritage Sites - Guidance on Settings March 2012

The Mayor's Energy Strategy 2010
The Mayor's Transport Strategy 2010
The Mayor's Economic Strategy 2010

Tower Hamlets

South Quay Masterplan 2015
Planning Obligations SPD – September 2016
Community Infrastructure Levy (CIL) Regulation 123 List September 2016

Historic England Guidance Notes

Historic England / Design Council Updated Guidance on Tall Buildings 2015

Building Research Establishment

Site layout planning for daylight and sunlight: a guide to good practice 2011.

- 7.10 The Isle of Dogs & South Poplar Opportunity Area Planning Framework (OAPF) is being written by the GLA with help from Tower Hamlets and Transport for London. Work started in 2015, public consultation during 2016 with adoption anticipated in 2018.

8 CONSULTATION

- 8.1 The following bodies have been consulted on the application. Representations received are summarised below. The views of officers within the Directorate of Development and Renewal are expressed within Section 10 of this report - MATERIAL PLANNING CONSIDERATIONS.

External consultees

Greater London Authority

- 8.2 The Deputy Mayor considered the application at Stage 1 on 22nd April 2016. The Council was informed that the application does not comply with the London Plan but possible remedies could address the following deficiencies:

- **Housing:** it is not possible at this stage to determine whether the proposal provides the maximum reasonable amount of affordable housing, in accordance with London Plan Policy 3.12. The Council should confirm that the housing mix adequately addresses local need and the applicant should address concerns regarding residential quality and play space, in order to comply with London Plan Policy 3.5, 3.6 and 3.8.
- **Urban design:** the applicant should address concerns regarding ground floor layout and public realm, to ensure compliance with London Plan Policies 7.1, 7.4 and 7.5.
- **Inclusive design:** the applicant should confirm the location of the wheelchair accessible units and that they are split across tenures and unit sizes, in order to comply with London Plan Policy 3.8.
- **Flooding:** the applicant should give full consideration to the sustainable drainage hierarchy set out in London Plan Policy 5.13, including investigating direct discharge to the docks and installation of blue roof technology and rainwater harvesting.
- **Climate change mitigation:** the energy strategy does not fully accord with London Plan Policies 5.2, 5.6 and 5.9. Further information regarding overheating, connection to the Barkantine heat network and the combined

heat and power system is required. The final agreed energy strategy should be appropriately secured by the Council.

- **Transport:** in accordance with London Plan policies 6.1, 6.2, 6.4, 6.7, 6.9 and 6.13 the applicant is required to provide further details relating to car and cycle parking. The Council should secure a £70,000 financial contribution towards bus capacity, a permit free scheme, a car park management plan, a travel plan, a construction logistics plan and delivery and a servicing plan.

Transport for London (TfL)

8.3 The overall scheme is acceptable, however, a number of revisions are requested to ensure the proposal is London Plan compliant:

- Further information regarding how wheelchair users would utilise the proposed car parking spaces.
- A car parking management plan should be secured by condition.
- Clarity regarding the location of all of the proposed cycle parking.
- Further information regarding cycle parking access and design (including reference to London Cycle Design Standards).
- The allocation of residential parking spaces should reflect London Plan standards for each housing tenure type.
- Full details of cycle parking be secured by condition.
- A contribution of £70,000 to mitigate the site specific impact on the bus network.
- Safeguarding of land to accommodate a 24 space docking station to be funded by the borough's CIL.
- The Construction Logistics Plan and Delivery & Servicing Plan should be secured by condition.
- The Travel Plan should be secured by condition with implementation through a section 106 agreement.

London Borough of Greenwich

8.4 No representations received.

The Greenwich Society

8.5 No representations received.

Maritime Greenwich Heritage Site

8.6 No representations received.

London Wildlife Trust

8.7 No representations received.

NHS Tower Hamlets Clinical Commissioning Group

8.8 No representations received.

Metropolitan Police Crime Prevention Design Advisor

8.9 No objections requests conditions to ensure measures to minimise the risk of crime and follow Secured by Design throughout the life of the development.

Docklands Light Railway

8.10 No representations received.

Canal and Rivers Trust

8.11 No objections in principle. The site is set back from the dock and there should be no direct adverse impact on the water space or dock structure. Requests a contribution towards environmental improvements to the water space environment, such as the replacement of the dockside interpretation boards.

Environment Agency

8.12 No objections. Although the site is located within Flood Zone 3 and is protected to a very high standard by the Thames Tidal flood defences up to a 1 in 1000 (0.1%) chance in any year, flood modelling shows that it is at risk if there was to be a breach in the defences or they were to be overtopped.

8.13 The proposal does not have a safe means of access and / or egress in the event of flooding to an area wholly outside the floodplain. However, safe refuge within the higher floors of the development has been suggested. The Council should assess the adequacy of the evacuation arrangements.

8.14 To improve flood resilience, recommends that finished floor levels are set above the 2100 breach level - 5.452 m. AOD.

London Fire and Emergency Planning Authority

8.15 No representations received.

London Underground

8.16 No comments.

Thames Water Plc

8.17 Waste: The existing waste water infrastructure is unable to accommodate the needs of the development. Should the development be permitted, a 'Grampian' condition is recommended to require the approval of a drainage strategy detailing any on and/or off site drainage works before development commences.

8.18 Surface water drainage: The developer should make proper provision for drainage to ground, water courses or a suitable sewer. Storm flows should be attenuated or regulated into the receiving public network through on or off site storage. Discharge to a public sewer will require prior approval from Thames Water.

8.19 Water supply: The existing infrastructure has insufficient capacity to meet the demands of the development. Recommends that any planning permission be conditioned to require, before development commences, the approval of an impact study of the existing water supply infrastructure to determine the magnitude of any new additional capacity required and a suitable connection point.

8.20 Thames Water also requests:

- An informative advising the applicant to incorporate protection to the property by installing a non-return valve or other suitable device to avoid waste backflow.
- An informative advising of large water mains adjacent to and crossing the site that may require diversion. Unrestricted access to the water mains should be available at all times.
- A condition to prevent impact piling until a piling method statement has been approved.

London City Airport

8.21 No safeguarding objection but requests an informative that no construction works such as cranes or scaffolding above the height of the planned development shall be erected unless a construction methodology statement has been submitted and approved in writing by London City Airport.

National Air Traffic Services

8.22 No conflict with safeguarding criteria.

Natural England

8.23 No comments.

Historic England

8.24 Does not consider it is necessary for the application to be notified to Historic England.

Greater London Archaeological Advisory Service

8.25 Recommends a condition to require a two - stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

National Grid

8.26 No representations received.

EDF Energy Networks Ltd

8.27 No representations received.

Defence Infrastructure Organisation

8.28 No safeguarding objection.

Internal consultation

Biodiversity officer

8.29 The application site has no existing biodiversity value. Ecology has correctly been scoped out of the EIA. It contains no vegetation or soft surfaces and the existing buildings are unsuitable for roosting bats or nesting birds. The site is close to the Millwall & West India Docks SINC, but no significant adverse impacts on the SINC are likely. There would therefore be no adverse biodiversity impacts.

8.30 MDD Policy DM11 requires major development to provide biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP).

8.31 The proposals include landscaping at upper and lower ground levels, 1st floor podium, 10th floor gym level and roof level 39. These include tree planting, ornamental shrubs and planters with grasses and perennials. Few of the species indicated in the Landscape Design Strategy are native or of significant wildlife value, and the overall species diversity in the proposed planting is low.

8.32 The Ecology Report and the Design & Access Statement refer to bird and bat boxes that would contribute to LBAP targets.

8.33 Overall, the planting would ensure a small overall biodiversity benefit and help LBAP objectives and targets as required by MDD Policy DM11. Recommends a condition requiring the submission of full details of biodiversity enhancements, landscaping, bat boxes and nest boxes, the approved scheme to be implemented prior to occupation of the development.

Environmental Health

- 8.34 Contaminated Land: Recommends conditions to secure site investigation and mitigation of any contamination.
- 8.35 Air quality: Operational Impacts: The air quality assessment within the ES is accepted. It concludes that the NO₂ annual objective will be exceeded at the lower levels facing Marsh Wall. A condition should be applied to any planning permission to require that mitigation must be provided for all units where the NO₂ objective will be exceeded at the façade, details of the mitigation to be submitted for approval.
- 8.36 Construction Impacts: The construction part of the assessment is accepted. The proposed dust and emissions mitigation/management measures should be included in a Construction Management Plan to be submitted by and approved prior to commencement. The GLA's Non Road Mobile Machinery Low Emission Zone policy came into force on the 1st September 2015, all major construction sites in Greater London must now comply with this policy.
- 8.37 Micro-climate: No representations received.
- 8.38 Noise and vibration: No representations received.
- 8.39 Health & Housing Team: Advises that grills are not fitted to the apartment windows as they could constitute a possible main hazard under the Housing Act 2004 with a deleterious health effect due to lack of natural lighting which may have psychological impact on occupants.

Energy Efficiency and Sustainability

- 8.40 The proposals seek to implement energy efficiency measures by a site wide heating system and renewable energy technologies to deliver a 35.2% reduction CO₂ emission reductions. The proposed CO₂ reductions fall short of the 45% requirements of MDD Policy DM29. The proposals require further consideration into delivering a connection to the Barkantine heat and power network to ensure compliance with London Plan Policy 5.6 '*Decentralised energy in development proposals*' and MDD Policy DM29. Subject to conditions to prioritise linking to Barkantine, and the CO₂ emission reduction shortfall being met through a carbon offsetting contribution, the proposals are considered to accord with adopted policies for decentralised energy and emission reductions. It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:
- Updated district energy connection strategy, submitted prior to commencement on site and agreed in writing with LBTH, with an assumption to deliver a connection to the Barkantine heating network unless demonstrated not feasible / viable. Updated strategy to include energy calculations using the carbon intensity applicable to the Barkantine network.
 - Carbon offsetting contribution secured through S106 contribution (£66,600)
 - Delivery of BREEAM '*Excellent*'.

Housing Development & Private Sector Team

- 8.41 Reported within Material Planning Considerations below.

Transport and Highways

- 8.42 Car parking: MDD Policy allows a maximum of 31 car parking. The proposed 34 spaces are not supported. If permission is granted, a 'permit free' agreement should prevent residents from purchasing on-street parking permits. The proposed parking bays would be in stackers capable of taking adapted vehicles. A minimum of 10% of the spaces must be retained for the sole use of registered Blue Badge holders and secured by condition. No spaces should be sold or rented out to non-residents. A Parking Management Plan should be submitted and approved.
- 8.43 The car park entrance is via one lift and the applicant should demonstrate that vehicles will not wait excessively on the public highway for the lift. Measures to ensure the lift always returns to street level should be incorporated in the Parking Management Plan. Details of how the car park would operate should the lift fail are also required. The car park entrance is located within a proposed loading bay on Cuba Street. This will not work as the access may be blocked with vehicles loading / unloading and a separate access is required. This redesign may affect the tracking diagrams supplied for the loading bay.
- 8.44 Cycle parking: Provision would exceed London Plan standards and is welcomed. Only double stackers are proposed. Recommends a mixture of stands, including some 'Sheffield' type stands and stands for adapted or recumbent cycles. Any planning permission should be conditioned to require the retention of the cycle storage facilities for the life of the development.
- 8.45 Servicing: Servicing is proposed from an inset shared surface bay on part of the public highway on Cuba Street. This could be acceptable if the additional 2 m. wide footway behind the bay was provided and dedicated as public highway under s72 of the Highways Act 1980 to ensure a continuous footway.
- 8.46 The submitted Design and Access Statement says "*the development is designed to ensure that all servicing activities will take place off the public highway in order to ensure that traffic flows on the surrounding highway network are unaffected by the operation of the site. Servicing will be taken from within the site boundary at basement level.*" However, the submitted Draft Delivery and Service Management Plan confirms that servicing is proposed on the public highway (the new bay) and the developer will not be able to exercise any control over the bay as it will be open for anyone using it legitimately within the operational hours. Outside of the operating hours the bay could be used for car parking and the applicant needs to put forward a strategy for dealing with this. Suggests that no waiting / loading at any time restrictions are proposed with exceptions for loading. This should be covered in a final Service Management Plan that should be conditioned by any permission.
- 8.47 Changes to road layout and other works: Alteration to the highway in Cuba Street and any other necessary works to the public highway adjacent to the site will require a section 278 agreement with the highway authority that should be secured by condition.
- 8.48 Pedestrian movement: The proposal will open up the site and improve pedestrian permeability which is welcomed.
- 8.49 Travel Plans: The submission and approval of a full Travel Plan and a Demolition and Construction Plan should be secured, Marsh Wall being sensitive to construction traffic due to the scale of development taking place. Cumulative impact should be examined.

Enterprise & Employment

- 8.50 The developer should use best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. Economic Development will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.
- 8.51 To ensure local businesses benefit from the development, 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. Economic Development will support the developer to achieve their target through ensuring they work closely with the Council's Enterprise team to access the approved list of local businesses. 22 apprenticeships should be delivered during the construction phase.
- 8.52 Recommends planning obligations to secure contributions and measures to support and or provide the training and skills needs of local residents to access job opportunities during construction (£125,008) including 22 apprenticeships and at the end-use phase (£10,247).

Education Development Team

- 8.53 No comments received.

Communities, Localities & Culture - Strategy

- 8.54 No comments received.

Education Development

- 8.55 No comments received.

Waste Management

- 8.56 No comments received.

Sustainable Drainage Officer

- 8.57 The site is located within Flood Zone 3 and protected to a high standard by the Thames tidal flood defences. There are risks associated with the breach of defences and it is therefore recommended that finished floor level (FFL) is above the 2100 breach level to improve flood resilience. The applicant sets out FFL to be above the 2065 breach event and will endeavour to raise the lower ground level as high as practically possible, to reduce the impact from a 2100 breach event or surface water flooding of Cuba Street.
- 8.58 No residential accommodation is proposed in the lower levels and therefore limits the vulnerability; however there should be resilient means of safe access/egress and evacuation routes - the applicant references discussion with the Council's emergency planning and no concerns have been raised.
- 8.59 The Sustainable Urban Drainage strategy proposes a reduction of the existing surface water run-off to greenfield run off rates achieved by including 76 m3 of storage. The proposals are acceptable and comply with London Plan Policy 5.13 and MDD Policy DM13. The proposal primarily utilises storage tanks below basement level and pumping will be required to discharge in Thames Water's sewer. Whilst the discharge rate is welcomed the proposal makes little use of sustainable SUDs techniques and its appraisal is limited.

- 8.60 Otherwise no objection to the development. To ensure flood risk is not increased elsewhere a surface water drainage scheme as outlined in the Flood Risk Assessment should be secured by a planning condition.
- 8.61 Residual Risk: The applicant has not adequately addressed the residual risk associated with the drainage strategy. There is no indication how the entire drainage system is to be maintained. A poorly maintained drainage system can lead to future flooding problems. The attenuation tanks below basement level will necessitate pumping which will increase the level of risk due to pump failure. Safe and appropriate flow routes from blockage and exceeding the drainage system capacity should demonstrate no property flooding or increase in flood risk, either offsite or to third parties
- 8.62 Maintenance: Recommends that details of agreed adoption, monitoring and maintenance of the drainage and SUDS features are conditioned should planning permission be granted.
- 8.63 The Flood Risk Assessment and Outline Drainage Management Plan are in principle accepted. However, a detailed Drainage Management Plan should be conditioned confirming the location of the attenuation tanks and permeable paving.
- Conservation and Design Advisory Panel
- 8.64 The Panel received a presentation of the scheme on Monday 14th November 2016. Members will be informed of the Panel's advice in an Update Report.

9 LOCAL REPRESENTATION

- Community involvement by the applicant
- 9.1 The Localism Act 2011 requires developers of "*large scale major applications*" to consult local communities before submitting planning applications.
- 9.2 The application is supported by a Statement of Community Involvement that explains that prior to the submission of the application, the applicant carried out a programme of consultation with local community groups and residents.
- 9.3 Invitations to a public exhibition of the proposals held on site at 30 Marsh Wall on Wednesday 21st October 2015 were sent to approximately 2,000 homes and businesses in the surrounding area, councillors of Canary Wharf, Blackwall & Cubitt Town and Island Gardens wards, members of Tower Hamlets' Strategic Development Committee and Tower Hamlets Executive.
- 9.4 The following community groups were invited.
- Alpha Grove Community Centre
 - Association of Island Communities
 - Calders Wharf Community Centre
 - Cubitt Town Bengali Cultural Association
 - Docklands Outreach
 - Island Advice Centre
 - Island Friends
 - Island History Trust
 - Island Neighbourhood Project
 - Isle of Dogs Neighbourhood Forum

- East End Community Forum
- Millwall Park Centre
- St. John's Bengali Welfare Association
- St. Luke's Millwall
- Stratford Friendship Club
- Seven Mills Primary School
- Phoenix Heights Community Centre
- St. John's and Samuda Leaseholders Association
- St. John's Tenants and Residents Association
- Samuda Estate Bengali Association
- The Landmark
- Barkantine Tenants' Association

9.5 25 people including three councillors attended. The developer's project team was available to answer questions. A feedback form, a Freephone telephone number, Freepost and an email addresses were provided for comments. Nobody completed feedback forms on the day and no comments were received by Freepost. Members of the public who attended the exhibition made the following comments while there:

- Request for architectural models.
- Questions regarding the impact on the view from the Landmark East and West buildings.
- Questions about the nature of the "affordable" provision and who would manage the properties.

Representations following statutory publicity

9.6 The application has been publicised by the Council by site notices and advertisement in East End Life. 2,444 neighbouring properties within the area shown on the map appended to this report have been notified and invited to comment.

Representations received			24
Objecting:	24	Supporting	0
No of petitions received:			0

9.7 The comments have mostly been made by residents of the adjoining 'Landmark' development. Material objections may be summarised as:

- Overdevelopment - residential density exceeding three times the planning guidance;
- Overshadowing and loss of daylight to the Landmark particularly Whitby House the eastern building;
- Lack of privacy between the Landmark and the 30 Marsh Wall scheme due to their proximity;
- Additional traffic and environmental disturbance on local roads with inevitable parking problems;
- The Isle of Dogs and Marsh Wall do not have the infrastructure and services, including schools and water supply to support the exponential population growth;
- The building would be too tall and the plot too small for such a large building;

- Failure to comply with the policy that requires building height to reduce from Canary Wharf;
- Loss of amenity, quiet enjoyment and traffic disturbance during construction;
- Inadequate community consultation by the developer.

9.8 Non material objections may be summarised as:

- Construction work would threaten the safety of children attending the nursery at the Landmark.

10 MATERIAL PLANNING CONSIDERATIONS

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

- Principle of redevelopment & land use
- Optimising housing potential
- Urban design
- Affordable housing
- Residential tenure mix and inclusive design
- Housing quality
- Open space
- Impact on surroundings
- Microclimate
- Highways and Transport
- Waste
- Energy and Sustainability
- Air quality
- Noise and vibration
- Contaminated land
- Archaeology
- Flood Risk
- Sustainable urban drainage
- Biodiversity
- Airport safeguarding
- Telecommunications
- Environmental Statement
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human Rights
- Equalities

Principle of redevelopment & land use

NPPE

10.2 A core planning principle is the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Paragraph 7 advises that a dimension of achieving sustainable development is a 'social role' supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. Paragraph 9 advises that pursuing sustainable development includes widening the choice of high quality homes.

- 10.1 The Framework 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. It promotes high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, particularly for new housing. Local authorities are expected to boost significantly the supply of housing and applications for housing should be considered in the context of the presumption in favour of sustainable development.
- 10.2 Paragraph 20 requires local planning authorities to plan proactively to meet the *'development needs of businesses and support an economy fit for the 21st century'*. Policies should be flexible to accommodate unanticipated changes and to allow a rapid response to changes in economic circumstances. Paragraph 21 says planning policies should avoid the long term protection of sites allocated for employment uses, where there is no prospect of the site being used for that purpose.
- 10.3 30 Marsh Wall is within an area exempt from the Government's office to residential change of use permitted development right introduced in 2013, the intention being to protect employment generating office floorspace in and around Canary Wharf.
- The London Plan 2016
- 10.4 Policy 3.3 *'Increasing housing supply'* identifies the pressing need for more homes in London. Increased housing supply is to be achieved in particular by realising brownfield housing capacity through opportunity areas and mixed-use redevelopment, especially of surplus commercial capacity.
- 10.5 The Plan states that an average of 42,000 net additional homes should be delivered across London annually. For Tower Hamlets a minimum ten year target of 39,314 new homes is set between 2015–2025 – an annual target of 3,931 homes per year is also given.
- 10.6 The Plan identifies *'Opportunity Areas'* which are capable of significant regeneration, accommodating new jobs and homes and requires the potential of these areas to be maximised.
- 10.7 The site lies within the Isle of Dogs and South Poplar Opportunity Area (Map 2.4 page 79). Map 2.5 page 81 shows the site also lying within an Area of Regeneration. London Plan Policy 2.13 provides the Mayor's policy on opportunity areas and paragraph 2.58 says they are the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility. Table A1.1 states that the Isle of Dogs Opportunity Area is capable of accommodating at least 10,000 homes, and 110,000 jobs up to 2031.
- 10.8 Policy 4.2 *'Offices'* encourages the renewal and modernisation of the existing office stock in viable locations.

The Tower Hamlets Local Plan

Adopted Policies Map

10.9 The Adopted Policies Map, reproduced on page 139 of the MDD 2013 *‘Place of Canary Wharf’* does not include the site within a Preferred Office Location. 30 Marsh Wall is annotated:

- Within a Flood Risk Area
- Within a Tower Hamlets Activity Area

Tower Hamlets Core Strategy 2010

10.10 Policy SP01 *‘Refocusing on our town centres’* applies a town centre hierarchy within the borough. Part 5 promotes areas outside and at the edge of town centres as places that support sustainable communities including primarily residential use and other supporting uses that are local in nature and scale.

10.11 Policy SP02 *‘Urban living for everyone’* seeks to deliver 43,275 new homes from 2010 to 2025 in-line with London Plan housing targets.

10.12 The Key Diagram page 27 also identifies 30 Marsh Wall lying within a Tower Hamlets Activity Area. Core Strategy paragraph 3.3 explains that the Activity Area is a specific area bordering the Canary Wharf Town Centre where the scale, continuity and intensity of town centre activity and land use is different to the rest of the borough. It is to provide a transitional area achieved through a vibrant mix of uses that are economically competitive based on the principles defined in the Town Centre Spatial Strategy 2009.

10.13 Other Core Strategy allocations applicable to 30 Marsh Wall are:

- Fig. 24 page 44 *‘Urban living for everyone’* identifies Canary Wharf for Very High Growth (2,501- 3500 residential units) to year 2025.
- Figure 28 page 46 *‘Spatial distribution of housing from town centre to out of centre’* shows densities decreasing away from the town centre and dwelling sizes increasing.

10.14 Core Strategy Annex 7 and Annex 9 concern *‘Delivering Placemaking.’* Fig. 39 page 90 *‘Strategic visions for places’* says *‘Canary Wharf will retain and enhance its global role as a competitive financial district as well as adopting a more local function.’* Figure 64 *‘Canary Wharf vision diagram’* adds:

Canary Wharf will be driven by sustainable growth while capturing the benefits of the opportunities offered by Crossrail and Wood Wharf to ensure the place continues to grow into thriving living and working environment.

Leading international companies and new communities will continue to enjoy buildings, facilities and infrastructure of the highest quality. Canary Wharf will be better integrated with surrounding areas, not only in terms of physical accessibility, but also job opportunities. It will be a vibrant, mixed-use place, with office activities in the heart of Canary Wharf alongside areas such as Wood Wharf presenting a mixed-use, residential character.

10.15 The Core Strategy *‘Priorities’* for Canary Wharf include:

- *To enable mixed-use and residential development around the fringe of Canary Wharf*

- 10.16 30 Marsh Wall borders Millwall and the Strategic vision for Millwall is for a 'community brought together through its waterways and a newly established high street at Millharbour.' Figure 65 page 123 Millwall Vision Diagram adds:

'The north of Millwall will continue to be transformed to provide opportunities for local employment and new housing that will better connect with waterfronts, green spaces and areas to the south.'

There will be greater integration with Canary Wharf, offering a diverse retail and evening economy focused along Millharbour and dock fronts. Areas in the south will retain their quieter feel, being home to conservation areas and revitalised housing. Local communities will be supported by excellent services, provided in the town centre alongside better connections to a wider range of services and transport interchanges in Canary Wharf and Crossharbour.'

- 10.17 The Housing investment and delivery programme page.146–147 identifies Canary Wharf for High Growth delivering 2,380 new homes between 2015 & 2025.

Tower Hamlets Managing Development Document 2013

- 10.18 Chapter 3 provides Site Allocations. 30 Marsh Wall is not identified as a Site Allocation within Figure 12 page 86.

- 10.19 Policy DM1 'Development within the town centre hierarchy' says that a mix of uses will be supported in the Tower Hamlets Activity Areas.

- 10.20 For employment floorspace to be lost, MDD Policy DM15(1) normally seeks 12 months marketing evidence to demonstrate the site is not suitable for continued employment use due to its location, viability, accessibility, size and location. MDD paragraph 15.4 provides:

"The Council seeks to support employment floor space in suitable locations; however a specific approach is required to help deliver site allocations and their component strategic infrastructure uses. The Council recognises that the nature of uses proposed on site allocations requires a change from the existing uses. As such part (1) of the policy does not apply to site allocations."

South Quay Masterplan October 2015

- 10.21 The South Quay Masterplan is supplementary planning guidance that adopts the land use principles of the MDD and supports housing development alongside the provision of open space, commercial space and other compatible uses on the application site. The Marsh Wall frontage of No. 30 is shown as 'a non-residential active frontage.'

Assessment

- 10.22 Increased housing supply is a fundamental policy objective at national, regional and local levels.

- 10.23 The proposal involves the loss of 5,076 m² of Class B1 offices and 443 m² of Class D1 floorspace (Non-residential institution) to be replaced by 1,114 m² of commercial and community floorspace. 30 Marsh Wall is not within a MDD site allocation, the MDD paragraph 15.4 exception regarding loss of employment floorspace does not apply and the proposal is not policy compliant.

- 10.24 The applicant says Cherryman carried out a full marketing campaign for the building in 2011-12 which included:
- Marketing boards erected on the building;
 - Details and electronic brochure sent to interested parties;
 - Details uploaded on EG Property Link.
- 10.25 The campaign failed to stimulate interest in the building. Since then Cherryman have continued to market the building with details on their website and other commercial property sites.
- 10.26 The applicant explains that over half of the existing building has been vacant for over three years and the remaining floors let on reduced rents. In comparison to the surrounding properties, both present and proposed, the building is dated, requires refurbishment and unappealing to prospective occupiers. Its triangular shape is also a constraint as the floor plates are difficult to plan efficiently and not easily divisible if separate smaller space is required. A submitted 'Existing Building Report' by Levy concludes that the property has numerous condition issues, requires substantial investment which is considered unviable given the potential letting value.
- 10.27 There is a significant level of new and emerging office floorspace clustered around One Canada Square which is of higher quality and more desirable than 30 Marsh Wall.
- 10.28 The site does not lie within a Preferred Office Location. London Plan Policy 2.13 (and supporting Table A1.1), makes clear that there is scope to convert surplus business capacity south of Canary Wharf. On this basis, supported by the information within the Levy report and the strategic quantum of housing the scheme would deliver, Members may consider that the loss of office space in this location is on balance consistent with London Plan Policy 4.2 and the MDD Policy DM15.
- 10.29 The provision of a mix of uses as part of high-density housing-led development within opportunity areas can help to meet the needs of local residents, and assist in activating the ground-floor. The proposed ground floor active uses also accord with the objectives of MDD Policy DM1 regarding Tower Hamlets Activity Areas.
- 10.30 On balance, no planning objection is raised to the loss of the existing office accommodation and the principle of a residential led mixed use redevelopment is considered consistent with the aims of national policy and the development plan.

Optimising housing potential

The London Plan 2016

- 10.31 Policy 3.4 '*Optimising housing potential*' requires development to '*optimise*' housing output taking account of public transport accessibility, local context and character and the design principles in Chapter 7.
- 10.32 Table 3.2 provides a '*Sustainable residential quality density matrix (habitable rooms and dwellings per hectare)*' for differing locations based on public transport accessibility levels (PTAL). For '*Central*' areas with PTAL5, an indicative density range of 650-1,100 habitable rooms per hectare (hrph) is provided. '*Central*' is

defined as being within 800 metres walking distance of an International, Metropolitan or Major town centre. The Cuba Street site is some 300-400 m. from Heron Quays & South Quay DLR stations and 500 m. from Canary Wharf Underground station and by definition a 'Central' location. Development proposals which compromise this policy should be resisted.

- 10.33 Policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential. Generally, development should maximise housing output while avoiding any of the adverse symptoms of overdevelopment.

The Mayor's Housing SPG

- 10.34 Guidance on the implementation of Policy 3.4 is provided by the Mayor's 'Housing' SPG May 2016. 'Optimisation' is defined as 'developing land to the fullest amount consistent with all relevant planning objectives' (Para. 1.3.1).
- 10.35 The density ranges should be considered a starting point not an absolute rule when determining the optimum housing potential. London's housing requirements necessitate residential densities to be optimised in appropriate locations with good public transport access. Consequently, the London Plan recognises the particular scope for higher density residential and mixed use development in town centres, opportunity areas and intensification areas, surplus industrial land and other large sites. The SPG provides general and geographically specific guidance on the exceptional circumstances where the density ranges may be exceeded. SPG Design Standard 6 requires development proposals to demonstrate how the density of residential accommodation satisfies London Plan policy relating to public transport access levels and the accessibility of local amenities and services, and is appropriate to the location.
- 10.36 Schemes which exceed the ranges in the matrix must be of a high design quality and tested against the following considerations:
- *local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;*
 - *the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;*
 - *the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with housing quality standards;*
 - *a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';*
 - *depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;*
 - *the residential mix and dwelling types proposed, taking into account factors such as children's play space provision, school capacity and location;*
 - *the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and*
 - *whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development including opportunity areas.*

Tower Hamlets Core Strategy

- 10.37 Core Strategy Figure 28 page 46 ‘*Spatial distribution of housing from town centre to out of centre*’ shows densities decreasing away from the town centre and dwelling sizes increasing.
- 10.38 Policy SP02 ‘*Urban living for everyone*’ reflects London Plan policy requiring development to ‘*optimise*’ the use of land with housing density taking account of public transport accessibility and context in relation to the town centre hierarchy.

Assessment

- 10.39 The site area, excluding highway land, but including the ‘*pocket park*’ adjoining 40 Marsh Wall is 1,875 m2. Calculated using the Mayor’s ‘*Housing*’ SPG methodology (para 1.3.70) the resultant density is 4,100 habitable rooms / hectare. This approaches four times the upper figure of the indicative of 650-1,100 hrph density range provided London Plan Table 3.2 - *Sustainable residential quality density matrix*. In justification, the applicant claims:

“The Site sits within a strategically important location for growth in Tower Hamlets and London and presents an appropriate and significant opportunity to deliver high quality and sustainable housing in an exemplary scheme. For these reasons we consider that the density of the Development is acceptable.”

- 10.40 Officers assessment of the development against the exception tests of London Plan Policy 3.4 provided by the Mayor’s ‘*Housing*’ SPG is as follows:

London Plan Policy 3.4 ‘*Optimising housing potential*’

Housing SPG Design Standard 6 – Tests for exceeding the ‘<i>Sustainable residential quality density matrix</i>’	Assessment
Local context and character & design principles.	The context and character of this part of Marsh Wall is considered appropriate in principle for a tall building. Tall buildings are prevalent or have been permitted to the north (City Pride, The Landmark / 22 Marsh Wall) and to the east (Novotel / 40 Marsh Wall and 50 Marsh Wall / Alpha Square).
Public transport connectivity	The site has a PTAL5 ‘ <i>Very Good</i> ’. There is no suggestion that development on the Isle of Dogs should be restrained due to inadequate public transport connectivity and capacity increases are in hand. TfL raise no objection.
Design quality	London Plan policy 3.5 says the relative size of all new homes in London is a key element of this strategic issue. The scheme proposes 15 residential typologies.

	<p>In two types neither the Government's <i>'Technical housing standards – nationally described space standard.'</i> (reproduced in the London Plan) would be met, nor would the Mayor's Housing SPG standards for private amenity space.</p> <p>It has not been demonstrated that internal natural light within the development would be satisfactory and meet BS minimum standards</p> <p>The Council's Health & Housing Team advises that the proposed louvres to the windows could constitute a possible <i>'main hazard'</i> under the Housing Act 2004 identified by lack of natural light which may have psychological impact on occupants.</p>
Place making	The scheme could be considered to contribute to the creation of a <i>'place'</i> at the western end of Marsh Wall.
Potential for large sites to define their own setting and accommodate higher densities	The site is not sufficiently large to define its own setting.
Residential mix and dwelling types	The unit mix is considered broadly compliant with the Local Plan.
Management and design of refuse/food waste/recycling and cycle parking facilities	Considered satisfactory.
Location	London Plan Opportunity Areas are in principle appropriate for higher density development.

Summary

As detailed in this report, the application raises concerns regarding residential quality including space standards, the provision of private and communal amenity space, natural light within the development and impact on the surroundings including sunlight / daylight and the development potential of the adjoining Cuba Street site. These concerns indicate that the proposal would not optimise the development potential of the site rather it would result in overdevelopment inconsistent with strategic policy.

Urban design

NPPF

- 10.41 Chapter 7 refers to *'Requiring good design'* and Chapter 12 addresses *'Conserving and Enhancing the Historic Environment.'* The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites whilst responding to local character. Matters of overall scale, massing, height and materials are legitimate concerns for local planning authorities (paragraph 59).

The London Plan

10.42 Policy 7.4 '*Local Character*' requires development to have regard to the pattern and grain of existing streets and spaces, make a positive contribution to the character of a place and be informed by the surrounding historic environment. Policy 7.5 '*Public realm*' emphasise the provision of high quality public realm. Policy 7.6 '*Architecture*' seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and for development to optimise the potential of the site. Policy 7.7 '*Tall and large scale buildings*' provides criteria for assessing such buildings which should:

- a *generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;*
- b *only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;*
- c *relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;*
- d *individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;*
- e *incorporate the highest standards of architecture and materials, including sustainable design and construction practices;*
- f *have ground floor activities that provide a positive relationship to the surrounding streets;*
- g *contribute to improving the permeability of the site and wider area, where possible;*
- h *incorporate publicly accessible areas on the upper floors, where appropriate;*
- i *make a significant contribution to local regeneration.*

10.43 The Plan adds that tall buildings should not adversely impact on local or strategic views and the impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, or other areas designated by boroughs as being sensitive or inappropriate for tall buildings.

10.44 London Plan Policy 7.8 '*Heritage assets and archaeology*' requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Policy 7.10 '*World Heritage Sites*' requires development not to cause adverse impacts on World Heritage Sites or their settings.

Tower Hamlets Core Strategy

10.45 Policy SP10 '*Creating distinct and durable places*' seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings.

Tower Hamlets Managing Development Document

10.46 Policy DM24 '*Place-sensitive design*' requires developments to be built to the highest quality standards. This includes being sensitive to and enhancing the local character and setting and use of high quality materials.

10.47 Policy DM26 'Building heights' and Figure 9 require building heights to accord with the town centre hierarchy. It seeks to guide tall buildings towards the Aldgate and Canary Wharf Preferred Office Locations. 30 Marsh Wall is within an Activity Area, the second step down in the hierarchy and in principle suitable for a tall building.

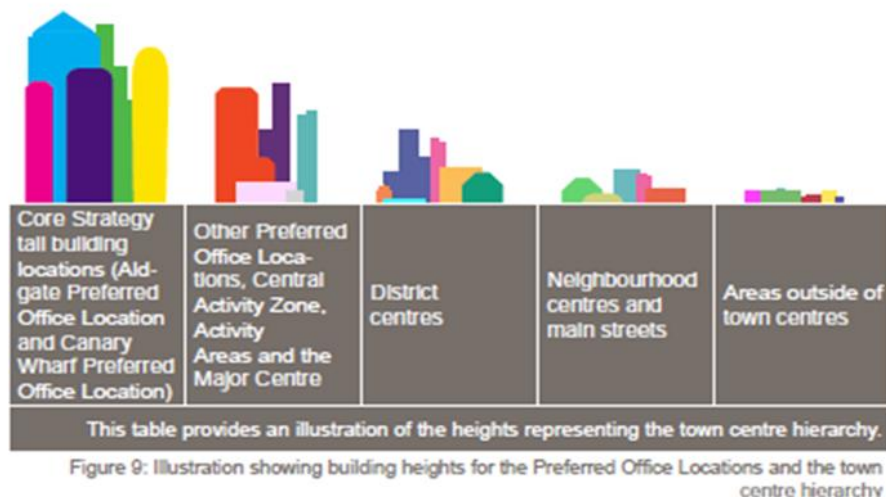


Figure 6. MDD Building heights and the Town Centre Hierarchy

10.48 Policy DM26 also requires tall buildings to achieve a high architectural quality contributing positively to the skyline, not adversely affect heritage assets or strategic views and present a human scale at street level. Residential buildings should include innovative, high quality usable amenity space and not adversely impact on the microclimate or biodiversity including water-bodies, TV and radio reception, civil aviation, provide positive social and economic benefits and consider public safety including evacuation routes.

10.49 Policy DM27 'Heritage and the Historic Environment' requires development to protect and enhance the borough's heritage assets, their setting and their significance.

South Quay Masterplan 2015 (SQMP)

10.50 Within the South Quay area, the amount, scale, height and densities of residential development being proposed is greater than envisaged in the Local Plan with nearly thirty sites subject to significant development interest. Proposals are seeking residential tall building typologies that commonly exceed the density guidance set out in the London Plan and are some of the densest in the UK. This presents challenges and opportunities for coordinating development proposals and managing their impacts. The SQMP was adopted on 6th October 2015 to provide guidance to steer future development in a co-ordinated and planned way. It supplements the development plan and is a material consideration in determining the planning application at Cuba Street.

10.51 The SQMP explains that when looking at the proposed densities across South Quay, applications for planning permission should consider cumulative impacts in terms of infrastructure delivery, environmental impacts, health and well-being and place-making, in line with policy requirements at national, regional and local levels.

10.52 The Masterplan's Placemaking Principles for South Quay include:

1. *Housing design (SQ1 & SQ3). Development should deliver exemplary sustainable housing design.*
2. *Connections & public realm (SQ2). Development should frame and deliver high quality, legible and inviting movement routes, connections and public realm.*
3. *Public open spaces (SQ2). Development should contribute to the delivery of usable high quality public green open spaces with biodiversity value in coordination with neighbouring sites.*
4. *Urban structure & frontages (SQ2 & SQ3). Development should deliver a well-defined urban block pattern fronted by active frontages throughout, with a focus on non-residential uses facing onto Marsh Wall, open spaces and docksides with clear distinctions between public, communal and private spaces.*
5. *Massing (SQ3). Development should deliver massing in a varied but coherent urban environment that delivers defined and engaging streets and spaces while maximising levels of natural light and providing a transition in scale from surrounding areas.*
6. *Skyline (SQ4). Development should contribute to a visually engaging and balanced skyline while acknowledging the Maritime Greenwich World Heritage Site.*

10.53 The Design Approach adopted is intended to help shape development to:

- *Complement and provide a transition from the Canary Wharf Major Centre to the adjacent residential areas;*
- *Manage the delivery of high-density mixed-use areas with significant levels of housing;*
- *Improve connections to the wider area;*
- *Ensure buildings step down from dockside; and open spaces;*
- *Deliver a legible, permeable and well-defined movement network;*
- *Activate frontages along streets and docks; and protect and enhance heritage assets.*

10.54 Density options were tested between 1,100 & 7,000 hrph and established that the threshold for the greatest number of significant adverse effects was 3,000+ hrph. In developing development scenarios, densities of 1,100 and 3,000 hrph were tested as reasonable options.

10.55 ‘*Towers in Space*’ and ‘*Podiums / Plinths / Towers*’ were considered the two main options for delivering high density development. ‘*Towers in Space*’ deliver all uses within a single tower, perhaps with open / private amenity space alongside. This type of development has been advanced within the Masterplan area and elsewhere. ‘*Podiums / Plinths / Towers*’ enables high density residential development in tall towers alongside podiums [1-2 stories] and plinths [3-10 stories] with non-residential uses provided at lower levels within the podium / plinth elements and for private / amenity space contained around the built form. The ‘*Podiums / Plinths / Towers*’ form is considered to offer greater opportunities to deliver a more ‘*liveable*’ place both within individual development plots and across the Masterplan area and informed the adopted Vision and Place Making Principles.



Figure 7. South Quay Masterplan – vision and principles

10.56 Design Principle SQ1 – ‘*Housing density*’ advises that development seeking to exceed London Plan housing densities should:

- a. robustly demonstrate:
 - i. how it successfully mitigates its impacts; and
 - ii. how it delivers the vision, principles and guidance of the Masterplan.
- b. deliver exemplary design for housing and non-residential uses; and
- c. provide the required infrastructure in accordance with the Local Plan and the London Plan.

10.57 Design Principle SQ2.1 – ‘*Connections and public realm*’ requires development to deliver legible and well-defined networks of routes and spaces by:

- a. delivering a clear urban block pattern to support walking and cycling desire lines and define public, communal and private spaces;
- b. ensuring these are well defined, legible, safe and inviting;
- c. delivering non-residential uses generating active frontages along Marsh Wall, Millharbour, Limeharbour, docksides and public open spaces;
- d. delivering a movement hierarchy of primary streets, secondary streets, tertiary streets / walking & cycling paths and dockside walking and & cycling paths reflecting the recommended street section with a maximum plinth height of 35 m. AOD on the north side of Marsh Wall.
- e. Stepping back from the dock edges to improve the quality, character and continuity of dockside routes;
- f. Addressing barriers to movement to and from areas to the south;
- g. Supporting access to and from Canary Wharf by measure that include an additional footbridge across South Dock.

10.58 Sections are provided for development across the street hierarchy. Marsh Wall is designated a ‘*Primary street*’ and Figure 2.3 page 25 suggests a 26 m. AOD maximum plinth on the south side of Marsh Wall (35 m. on the northern side).

- 10.59 Design Principle SQ2.2 '*New public open space*' says that development should deliver and manage on-site high quality usable public open space that is coordinated with neighbouring sites. Within South Quay it is a priority to provide public open space on site, of a size and quality that provides for the residents and visitors in the area and helps to facilitate social interaction.
- 10.60 Figure 2.7 page 28 shows the adjoining Cuba Street site as an illustrative location for a new principal public open space.
- 10.61 Figure 3.1 '*Illustrative massing*' provides indicative layouts and is supported by Design Principle SQ3.3 that suggests the site of 30 Marsh Wall is suitable for a podium (1-2 storey) and a plinth (3-10 storey). The site is not identified for a taller element (10+ storeys). This is to ensure that the massing of new developments should complement and provide a transition from the Canary Wharf Major Centre to the adjacent residential areas, particularly along the southern boundary.
- 10.62 The height guidance for the podium and plinth are expected to vary in accordance with the location of development on the movement hierarchy. Podium and plinth heights should correspond to recognised degrees of enclosure that ensure a sense of human scale along streets and in public open spaces.
- 10.63 Development should deliver communal amenity space as a mix of typologies that are distinct from public open space, private amenity space and child play space.

Assessment

- 10.64 The following sections assess the proposed development against the four principle development plan policies pertinent to urban design namely London Plan policies 7.4 '*Local character*', 7.6 '*Architecture*,' Policy 7.7 '*Tall and large scale buildings*' and Tower Hamlets MDD - Policy DM26 '*Building heights*.'

London Plan - Policy 7.4 'Local character'

- 10.65 Development should have regard to the form, function and structure of an area and the scale mass and orientation of surrounding buildings and natural features. A suite of five assessment criteria is provided.

Criterion a

- 10.66 The podium would fill the plot almost entirely. It would have a very solid appearance and create strong frontages to the tight surrounding streets which is contradictory to the tall buildings typology in the area. The set back of the tower provides articulation of the podium which constitutes the street frontage to Cuba Street; albeit the building line and height of the podium fails to match the lines established by the surrounding buildings.

Criterion b

- 10.67 The scheme would not impact on natural landscape features and respond positively to the difference in levels between Marsh Wall and Cuba Street. Joining the public realm with '*The Landmark*' would be successful.

Criterion c

- 10.68 The plinth with the tower set back from its southern and northern edges would create human scale at street level. There are concerns over deep fins along Marsh Wall which would appear as a solid wall in oblique views.

Criterion d

- 10.69 The scheme positively extends public realm associated with '*The Landmark*'; however its relationship with the existing and emerging residential schemes in the vicinity is more challenging due to the building's scale.

Criterion e

- 10.70 There is no '*surrounding historic environment*' to inform the development.

London Plan Policy 7.6 'Architecture'

- 10.71 Architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context. A suite of nine assessment criteria is provided.

Criterion a

- 10.72 The architectural approach is considered to represent good architectural quality and innovation.

10.73 Criterion b

Whilst the podium would be very prominent, the proportion, composition, scale and orientation of the podium and tower would define the public realm but there are concerns about the effect on the microclimate particularly wind.

Criterion c

- 10.74 Details and materials would complement the local character defined by modern buildings.

Criterion d

- 10.75 The tower due to its disposition would cause harm to adjoining residential buildings in terms of privacy overshadowing, wind and microclimate. There are concerns about the integration of development on the Cuba Street site to the south.

Criterion e

- 10.76 Climate change can be mitigated.

Criterion f

- 10.77 The scheme would fail to provide high quality outdoor spaces although the steps to Marsh Wall, the proposed '*pocket park*' on Cuba Street and integration with the Landmark are welcomed.

Criterion g

- 10.78 Ground floor land use would be satisfactory.

Criterion h

- 10.79 The principles of inclusive design would be met.

Criterion i

- 10.80 As explained above it is considered the scheme would fail to optimise the potential of the site.

London Plan - Policy 7.7 'Tall and large scale buildings'

10.81 Tall and large scale buildings should be part of a plan led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations and not have an unacceptable harmful impact on their surroundings. A suite of nine assessment criteria is provided.

Criterion a

10.82 The site is not within the CAZ but Canary Wharf operates as such. The site is located in an Opportunity area and an Area of Intensification where tall buildings are generally directed. The site has a TfL PTAL5 'Very Good'.

Criterion b

10.83 The character of this part of Marsh Wall is considered appropriate in principle for a tall building. Tall buildings are prevalent or have been permitted to the north (City Pride, The Landmark / 22 Marsh Wall) and to the east (Novotel / 40 Marsh Wall, 50 Marsh Wall / Alpha Square) and Arrowhead Quay.

Criterion c

10.84 The scheme would not relate well to surrounding buildings. In particular it would be in too close proximity to the Landmark building and could prejudice the development prospects of the Cuba Street site to the south.

Criterion d

10.85 This part of Marsh Wall / Cuba Street is not a point of civic or visual significance requiring further emphasis or legibility. It is not considered that the development would enhance the skyline and image of London.

Criterion e

10.86 With regard to the architectural standard, see comments below on MDD Policy DM26 'Building heights' Criterion c.

Criterion f

10.87 Ground and lower floor uses (Classes A1-A4) and community uses (Class D1) would be satisfactory.

Criterion g

10.88 The scheme includes landscaping and public realm works providing new steps between Cuba Street and Marsh Wall and a small 'pocket park' adjoining 40 Marsh Wall and Cuba Street.

Criterion h

10.89 The scheme incorporates roof top amenity space at 39th floor level but this would not be accessible to the general public.

Criterion i

10.90 The redevelopment would contribute to local regeneration.

10.91 Policy 7.7 provides two further criteria that apply to tall building. They should not affect their surroundings adversely in terms of microclimate, wind turbulence and overshadowing that have not been satisfactorily demonstrated, although noise, reflected glare, aviation, navigation and telecommunication interference would be satisfactory. The proposal would also not impact on strategic or local views adversely.

Tower Hamlets MDD - Policy DM26 'Building heights'

10.92 Building heights are to be considered in accordance with the town centre hierarchy (illustrated in Figure 6 above) and a suite of twelve criteria.

Criterion a

10.93 The Town Centre Hierarchy seeks to guide tall buildings towards the Aldgate and Canary Wharf Preferred Office Locations. 30 Marsh Wall is not within a preferred office location but lies with an Activity Area, the second step down in the hierarchy and in principle suitable for a tall building.

Criterion b)

10.94 The site is located within the Canary Wharf Activity. There is a distinct change of character between Marsh Wall and the lower rise area of Millwall to the south with tall buildings prevalent on Marsh Wall.

Comparative heights (AOD):

30 Marsh Wall – 141 m. application site

1 Canada Square – 241 m.

City Pride – 238 m.

Landmark East – 139 m.

40 Marsh Wall – 124 m.

50 Marsh Wall (Alpha Sq.) – 221 m.



Figure 8. View west along Marsh Wall. 'Novotel' on left. 'Landmark' in background

Criterion c

- 10.95 The architectural approach is considered to represent good architectural quality and innovation. The combination of the twisted torso of the tower, and a visual vertical split of the mass, would be composed into a structure with a unique and elegant silhouette although there is concern about the impact of the perforated metal louvres. The quality of internal spaces is adversely affected by the proposed multi-layered skin of the building which in combination with relatively deep plans severely reduces access to daylight and outlook in a significant number of units.

Criterion d

- 10.96 The scheme would contribute to the consolidation of the tall buildings cluster to the south of the Canary Wharf Major Centre. It would be neutral in most views but not necessarily make a positive contribution to the skyline due to close proximity with other tall buildings.

Criterion e

- 10.97 The scheme will be neutral in terms of designated heritage assets. The spread of the tall buildings cluster at the western end of Marsh Wall would be noticeable in views particularly from the south and west, including London's strategic views and from the Greenwich Maritime World Heritage site although no objections have been raised by statutory organisations.

Criterion f

- 10.98 The scale of the podium and the significant set-back of the tower from the south and west would provide human scale at street level however the design of the podium raises some concerns over its oppressive appearance in oblique street views. The proposed monumental architectural articulation is appropriate to take the mass of the tower above and adequately address the streets on both levels;

Criterion g

- 10.99 The scheme does not provide adequate private amenity space in all residential units or sufficient child play space relying on extant green space or that which will be developed as a part of the scheme emerging on Cuba Street. This is not acceptable as the size of the proposed new park on Cuba Street only slightly exceeds requirements for a scheme of such scale.

Criterion h

- 10.100 As explained in '*Microclimate*' below, the application has not satisfactorily demonstrated compliance with development plan policy to achieve a satisfactory wind environment.

Criterion i

- 10.101 The scheme would be biodiversity neutral and not impact on open spaces, the Thames or the Dock.

Criterion j

- 10.102 The scheme includes 52 affordable dwellings. The dwelling mix would be broadly policy compliant and the scheme would contribute to socially balanced and inclusive communities. The proposed community use if implemented would be a positive social benefit. The micro public space at the junction of Cuba Street and Marsh Wall would also be beneficial.

Criterion k)

- 10.103 The scheme complies with Civil Aviation requirements.

Criterion I)

- 10.104 The scheme has very clean edge and overall would improve safety and security in the area by the removal of dead ended confined spaces along the boundary with the Landmark development. The Marsh Wall frontage raises some concerns over the security of spaces between deep pillars.

Urban Design Conclusions

- 10.105 Officers consider the proposed scheme represents an interesting architectural approach to the design of a tall building; however are concerned over cumulative issues and whether NPPF Chapter 7 *'Requiring good design'* would be addressed, particularly whether the development would function well and add to the quality of the area. As explained above, it is considered that the scheme conflicts with much of the criteria in the Mayor's *'Housing'* SPG Design Standard 6 to assess schemes which exceed the ranges in the London Plan's *'Sustainable Residential Quality Matrix.'*
- 10.106 The principle of tall building in this location is not fully supported by Core Strategy Policy SP10 *'Creating distinct and durable places'* Sub-policy 5 nor by MDD Policy DM26 *'Building heights'*. The South Quay Masterplan indicates that 30 Marsh Wall could be suitable for a substantial building consisting of a podium and plinth, but together should be no taller than 12 storeys.

Affordable housing

NPPF

- 10.107 Section 6 concerns *'Delivering a wide choice of high quality homes.'* Paragraph 47 requires local plans to meet the full objectively assessed need for market and affordable housing and to identify and update annually a supply of specific deliverable sites sufficient to provide five years housing supply with an additional buffer of 5%.

The London Plan 2016

- 10.108 Policy 3.8 *'Housing choice'* requires borough's local plans to address the provision of affordable housing as a strategic priority, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types. Policy 3.9 *'Mixed and balanced communities'* requires communities mixed and balanced by tenure and household income to be promoted including in larger scale developments.
- 10.109 Policy 3.11 *'Affordable housing targets'* requires boroughs to maximise affordable housing provision and to set an overall target for the amount of affordable housing needed in their areas. Matters to be considered include the priority for family accommodation, the need to promote mixed and balanced communities and the viability of developments.
- 10.110 Policy 3.12 *'Negotiating affordable housing'* requires that the maximum reasonable amount of affordable housing be sought. This should have regard to affordable housing targets, the need to encourage rather than restrain residential development, the size and type of affordable units needed to meet local needs, and site specific circumstances including development viability, any public subsidy

and phased development including provisions for re-appraising viability prior to implementation. Affordable housing should normally be provided on site.

Tower Hamlets Core Strategy

- 10.111 Policy SP02 (1) supports the delivery of new homes in line with the Mayor's London Plan housing targets. Policy SP02 (3) sets an overall strategic target for affordable homes of 50% until 2025. This is to be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability).

Tower Hamlets Managing Development Document

- 10.112 Policy DM3 '*Delivering homes*' requires development to maximise affordable housing on-site.

Assessment

- 10.113 The planning application is accompanied by a Financial Viability Assessment (FVA) and a Supporting Statement by Pioneer Property Services Limited. The FVA indicates that a '*threshold developer return*' could be secured with an affordable housing provision of circa 10%. Given the shortfall against the Core Strategy policy target the applicants have concluded that a growth model offers the most positive approach to identify the level of affordable housing and have offered of 25% affordable housing calculated by habitable rooms (36 affordable rent units and 16 shared ownership units) with a developer return at circa 10%.. This allows for CIL payments of £5.86 m. Pioneer has also included a one-off payment of £6,500,000 for Right of Light claims from neighbours. (Officer comment: the actual affordable housing offer is 24.1%)

- 10.114 The FVA and Supporting Statement were reviewed for the Council by BNP Paribas who concluded that the development with the offer of 25% affordable housing generates a surplus of £7,228,375 against the viability benchmark. This surplus could provide 32.57% affordable housing on site (56 affordable rent units and 22 shared ownership units). BNP Paribas also undertook an analysis where the Right of Light payment not need to be paid and concluded that the development could viably provide 35% affordable housing (60 affordable rent units and 26 shared ownership units) in addition to a surplus of £4,104,675. Due to the sensitivity of the scheme to residential values, should planning permission be granted, an affordable housing review mechanism was recommended.

- 10.115 Pioneer Property Services questioned BNP Paribas' advice on:

- Build Cost
- Affordable housing sales timings
- Sales Values
- Affordable Housing Values

- 10.116 To reach an agreed position and following advice from costs consultants, BNP Paribas has adopted the applicant's build costs. Timings of receipt from affordable housing sales have also been adopted if not agreed. BNP Paribas maintain their assessment of sales values for the market flats based on current prices at the '*Wardian*' Arrowhead Quay. They also consider their valuation of the affordable housing reflects the current market; however to achieve an agreed position, propose that the average value of £319.81 per square foot is adopted being the highest offer made by Registered Providers for development in the locality.

- 10.117 BNP Paribas conclude that the development generates a Residual Land Value (RLV) of £6,804,318 providing a surplus of £2,555,018 against the viability benchmark. This includes the potential Right of Light payment of £6,500,000. Including the payment, BNP Paribas conclude that the development could provide 26.27% affordable housing on-site (39 affordable rent units and 18 shared ownership units) in addition to a commuted sum payment of £29,706.
- 10.118 Without the Right to Light Payment, the development would be able to viably provide 32% affordable housing on site (54 affordable rent and 23 shared ownership units) in addition to a commuted sum payment of £169,477. The Right of Light payment is a key factor in the appraisal. Given its uncertainty, BNP Paribas advise it would be inappropriate for the Council to include this payment. Due to the sensitivity of the scheme to residential values, the Council is recommended to include a review mechanism should planning permission be granted.
- 10.119 The affordable housing offer is a shortfall of 10.9% against the Local Plan target. A significant amount of the shortfall is due to the £6.5 million contingency to meet potential Right of Light payments to adjoining owners. When the Rights of Light contingency is included the two valuations do not differ greatly.
- 10.120 Town planning is distinct and separate from the private law of easements which in the case of right to light needs to be established over a 20 year period although where redevelopment has occurred a new building can inherit a Right. The applicant's submitted Viability Assessment does not identify properties that might be eligible. With the exception of the Britannia International Hotel that opened in June 1992, the buildings in the vicinity of the site are mostly less than 20 years old. In 2006 when planning permission was granted for *'The Landmark'* the site was occupied by a series of mostly vacant industrial buildings (3 – 4 storeys) and the north eastern part fronting Marsh Wall was unoccupied. Given the uncertainty of possible claims officers conclude that the affordable housing offer has not been financially justified.
- 10.121 Should planning permission be granted by the Council, or the Mayor on call-in, officers recommend that an Affordable Housing Review mechanism should be secured within a section 106 agreement.

Residential tenure mix and inclusive design

NPPE

- 10.122 Paragraph 50 requires local planning authorities to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. Paragraph 57 says that it is important to plan positively for the achievement of high quality and inclusive design for all development. Paragraph 159 requires authorities to prepare a Strategic Housing Market Assessment identifying the scale and mix of housing and the range of tenures likely to be needed over the plan period.

The London Plan 2016

- 10.123 Policy 3.8 *'Housing Choice'* requires London boroughs to identify the range of needs likely to arise within their areas and ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types. The

Plan, together with the Mayor's Accessible London SPG, requires 90% of new housing to meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings,' and 10% should meet requirement M4 (3) 'wheelchair user dwellings' i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

10.124 Policy 3.9 'Mixed and balanced communities' says that communities mixed and balanced by tenure should be promoted across London including by larger scale development such as this.

10.125 Policy 3.11 'Affordable housing targets' requires 60% of the affordable housing provision to be affordable rent and 40% to be for intermediate rent or sale.

The Mayor's Housing SPG 2016

10.126 Standard 7 of the Mayor's 'Housing' SPG 2016 says that development proposals should demonstrate how the mix of dwelling types and sizes and the mix of tenures meet strategic and local need and are appropriate to the location.

Tower Hamlets Core Strategy

10.127 Policy SP02 'Urban living for everyone' requires:

- A tenure split for new affordable homes to be 70% social rented and 30% intermediate.
- A mix of small and large housing by requiring a mix of housing sizes on all new housing sites with a target that 30% should be family housing of three-bed plus and that 45% of new social rented homes be for families.
- Locations are to be identified by the Sites and Placemaking DPD and the Development Management Document where large family houses (4 bed+) will be sought including areas outside town centres where there is an existing residential community with good access to open space, services and infrastructure. (Officer comment: 30 Marsh Wall is not within a Site Allocation).

Tower Hamlets Managing Development Document

10.128 Policy DM3 'Delivering Homes' requires development to provide a balance of housing types, including family homes, in accordance with the following breakdown:

Tenure	1 bed %	2 bed %	3 bed %	4 bed %
Market	50	30	20	
Intermediate	25	50	25	0
Social rent	30	25	30	15

10.129 MDD Policy DM4 'Housing standards and amenity space' require 10% of new housing to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

Assessment

10.130 The proposed residential mix compared with the Core Strategy targets would be:

Unit size	Total units in scheme	Affordable housing						Market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0	0%	0%	0	0%	0%	0	0%	0%
1 bed	136	10	28%	30%	6	37%	25.0%	120	55%	50%
2 bed	95	10	28%	25%	10	63%	50.0%	75	34%	30%
3 bed	40	16	44%	30%	0	0%	25%	24	11%	20%
4 bed	0	0	0%	15%	0	0%		0	0%	
5 bed	0	0	0%	0%	0	0%		0	0%	
6 bed	0	0	0%		0	0%		0	0%	
TOTAL	271	36	100%	100%	16	100%	100%	219	100%	100%

Figure 9. Proposed residential mix and Core Strategy targets

10.131 69% of the affordable housing would be rented and 31% intermediate which is in line with Core Strategy Policy SP02 that favours rented accommodation. London Plan Policy 3.11 seeks a 60:40 ratio but there is concern about the affordability of intermediate housing in Tower Hamlets.

10.132 The dwelling mix within the affordable rented sector broadly accords with Core Strategy targets:

- 28% 1 bed units - policy target 30%,
- 28% 2 bed units - policy target 25%,
- 44% family sized (3 bed +) - policy target 45%.

10.133 In the intermediate sector, the proposals fail to meet Core Strategy targets with an overemphasis on 1 bed units and 2 bedroom units and an absence of affordable family units. The Committee may consider this satisfactory given concerns expressed over the affordability of large intermediate units:

- 37% 1 bed units - policy target 25%,
- 63% 2 bed units against policy requirement of 50%.

10.134 On balance, the market unit mix is considered acceptably close to policy requirement albeit with a 9% shortfall of family units and an absence of units larger than 3 bed.

- 55% 1 bedroom units – policy target 50%
- 34% 2 bed units – policy target 30%
- 11% 3 bed + - policy target 20%.

10.135 10% of units by habitable room are designed to be wheelchair accessible/easily adaptable and policy compliant. All the residential units would be built to Lifetime Home Standards.

Housing quality

Technical housing standards – nationally described space standard

10.136 In March 2015, the Government published ‘*Technical housing standards – nationally described space standard.*’ This deals with internal space within new dwellings across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height of 2.3 m.

The London Plan 2016

10.137 London Plan Policy 3.5 ‘*Quality and design of housing developments*’ requires new housing to be of the highest quality internally and externally. The Plan explains that the relative size of all new homes in London is a key element of this strategic issue. Table 3.3 adopts the national standard:

Table 3.3 Minimum space standards for new dwellings⁵⁷

Number of bedrooms	Number of bed spaces	Minimum GIA (m2)			Built-in storage (m2)
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
1b	1p	39 (37)*			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	

Figure 10. London Plan / National described minimum space standard

10.138 A single bedroom should be at least 7.5 m2 and at least 2.15 m. wide, a double bedroom should be at least 11.5 m2 and at least 2.75 m wide.

10.139 Local Plans are required to incorporate minimum spaces standards that generally conform to Table 3.3 – ‘*Minimum space standards for new development.*’ Designs should provide adequately sized rooms and convenient and efficient room layouts.

10.140 The nationally described space standard sets a minimum ceiling height of 2.3 m. for at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, the London Plan strongly encourages a minimum ceiling height of 2.5m for at least 75% of the gross internal area.

The Mayor’s Housing SPG 2016

10.141 Standard 12 requires that each core should be accessible to generally no more than eight units per floor.

10.142 Standard 24 reflects the national space standard. Additionally, Standard 26 requires a minimum of 5 sq. m. of private outdoor space for 1-2 person dwellings and an extra 1 sq. m. for each additional occupant. Standard 27 requires balconies and other private external spaces to have minimum depth and width of

1.5 m. Para. 2.3.32 says exceptionally where it is impossible to provide private open space for all dwellings, a proportion may be provided with additional internal living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA.

10.143 Standard 29 says developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or which contain three or more bedrooms should be avoided.

10.144 Standard 31 encourages a 2.5 m. floor to ceiling height.

10.145 Standard 32 says all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight.

10.146 Failure to meet one standard need not necessarily lead to conflict with the London Plan, but a combination of failures would cause concern. In most cases, departures from the standards require clear and robust justification.

Tower Hamlets Core Strategy

10.147 Core Strategy policy SP02(6) '*Urban living for everyone*' requires all housing to be high quality, well-designed and sustainable.

Tower Hamlets Managing Development Document

10.148 Policy DM4 '*Housing Standards and Amenity Space*' requires all new developments to meet the internal space standards set out in the Mayor's Housing SPG- 5 sq. m. for 1 & 2 person dwellings plus 1 sq. m. for each additional occupant.

10.149 Policy DM25 '*Amenity*' seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments and also requires the protection of neighbouring residents' privacy stipulating that a distance of 18 m. between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.

BRE Handbook '*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*'

10.150 The BRE provides advice on daylight and sunlight within proposed residential accommodation but is not mandatory. It provides advice on room depth and the no sky line within rooms but adopt British Standard 8206 as the main criteria that recommends minimum Average Daylight Factor (ADF) values for new residential dwellings:

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

Assessment

Space standards

10.151 The applicant's agent states: "*The apartments have been designed in accordance with the GLA Housing Design Guide as well as conforming to the National described Space Standards. Allowances have been made to account for the new Part M (4) requirements adopted in October 2015.*" This is not accepted. The scheme proposes 15 residential typologies. The Typical 2 Bed 4 person Duplex

Apartment Layouts show winter gardens of 4 m² below the minimum requirements of 7m². The residential units themselves are either 73 m² or 75m² both beneath the 79 m² minimum for 2-storey dwellings. Winter gardens for the Typical 2 Bed 4 person flats Type 2 are deficient by 2 m². Typical 3 Bed - Type 2 6 person apartments are shown as 92 m² below the minimum 95 m². All other typologies meet overall and private amenity space standards although individual room sizes are not specified.

10.152 The minimum of 2.5 m. floor to ceiling heights standard would be met. There would be a maximum of eight units per floor.

Single aspect dwellings

10.153 The design is a *'trapezoidal tower'* that produces no single aspect north facing dwellings. The applicant says the proportion of dual aspect units has been maximised. However, as explained below, the Environmental Statement's analysis of sunlight in the new development is purely based on room orientation. 141 out of 349 living room windows would have an orientation within 90 degrees of due south, so 208 (nearly 60% of the total) would not. The BRE guidelines state that flats facing this direction are likely to be perceived as insufficiently sunlit.

Privacy

10.154 The separation across Marsh Wall to the east building proposed at Cuba Street (Ref.PA/15/2528) would be 16 m. i.e. 2 m. less than the Council's recommendation. The opposing windows at No. 30 Marsh Wall would be provided with angled perforated metal louvres to prevent overlooking. Separation to *'Endeavour House'* would range from 16 m. to 25 m. but with only oblique views available. This disposition is considered satisfactory particularly when account is taken of the poor design of Endeavour House with residential windows and balconies on its eastern flank wall. Separation to *'Whitby House'* (Landmark East Tower), across the Landmark's private access road would be 15.5 m. again less than the recommended distance. Privacy louvres would again be installed on the windows. This arrangement is considered to have implications for the quality of the proposed residential accommodation in terms of natural light.

Daylight and sunlight within the proposed residential accommodation

10.155 The application ES Volume II Chapter 09 by Brooke Vincent + Partners (BVP) assesses Daylight and Sunlight and provides an internal daylight and sunlight assessment by that has been analysed by the Building Research Establishment (BRE) for the Council.

10.156 In multiple locations within the development *'winter gardens'* internalise kitchen/living/diners and bedrooms. It is unclear from the ES (paragraphs 9.109 to 9.118, Table 9.10 & Appendix 9.6) whether the daylight results reported treat a room and associated *'winter garden'* as one space. In this regard the applicant has stated:

"Winter Gardens

These are included in our daylight calculations. In other words, daylight is calculated from the outer face of the winter garden and the area/volume of the winter garden is added to the area/volume of the room to define an integrated room size which is then taken forward to the calculation and result."

10.157 Also, windows within the development facing the Cuba Street site and the Landmark East Tower would be fitted with external perforated louvres to maintain privacy. It is again unclear from the ES whether the predicted outcomes take account of the external louvres.

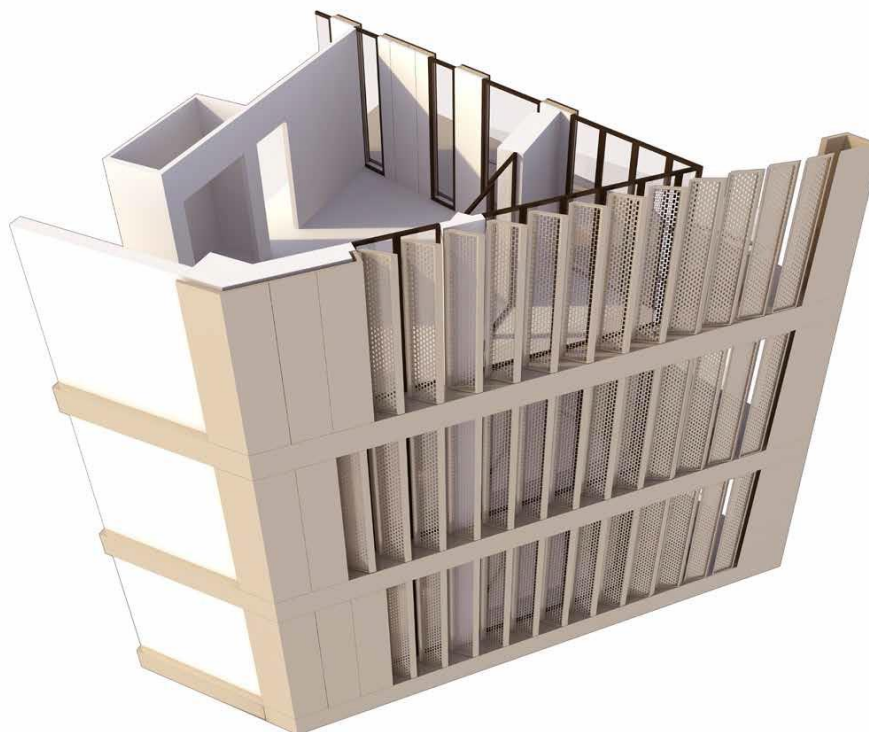


Figure 11. Perforated mesh louvres

10.158 Given the internalising of rooms behind winter gardens and the proposed louvres, officers requested specific advice from the Building Research Establishment on whether the predicted daylight results within the proposed development have been correctly calculated and would be satisfactory according to BRE guidance.

10.159 The BRE advises that at first sight the headline results look good. With the existing obstructions, only 14 rooms are predicted not to meet the British Standard minimum values of average daylight factor. With surrounding proposed buildings in place, this would increase to 85 rooms, mainly because of the nearby Cuba Street development.

10.160 If folding doors to the winter gardens could be completely drawn back to give a larger interior space the winter garden area could be treated as part of the living room, but any obstruction caused by the folding doors in their retracted position would need to be taken into account.

10.161 Vertical louvres cover many of the windows. These are modelled by dividing the window into sections between each louvre. However the reference point for calculation has been taken as the central point between the two louvres. This will tend to over-estimate the light coming in. Also, the applicants state that a 50% louvre transmission had been assumed. This is a high value for a louvre. In addition the design and access statement indicates that the opening size of the perforations has not been decided yet.

- 10.162 The analysis of sunlight in the new development is purely based on room orientation. 141 out of 349 living room windows would have an orientation within 90 degrees of due south, so 208 (nearly 60% of the total) would not. The BRE guidelines state that flats facing this direction are likely to be perceived as insufficiently sunlit.
- 10.163 In addition, sunlight to the south facing windows may be blocked by other buildings, especially if the Cuba Street development is constructed. The Environmental Statement has not calculated sunlight to any windows.
- 10.164 Officers conclude that it has not been demonstrated that internal natural light within the the development would be satisfactory and meet BS minimum standards.
- 10.165 Further, the Council's Health & Housing Team advises that the louvres could constitute a possible '*main hazard*' under the Housing Act 2004 with a deleterious health effect due to lack of natural lighting which may have psychological impact on occupants.

Summary

- 10.166 Three flat typologies would fail to comply with minimum standards in terms of floorspace and the amount of private amenity space. It has not been demonstrated that internal natural light would meet the minimum British Standard for daylight and sunlight would be poor as nearly 60% of the rooms would be perceived to receive insufficient sunlight. Privacy to the adjoining '*Landmark*' development and proposals at Cuba Street would fail to meet the Council's minimum separation guidance and the mitigation by louvres across windows could constitute a main hazard under the Housing Act 2004. These factors indicate overdevelopment.

Open space

NPPF

- 10.167 Paragraph 73 recognises that access to high quality open spaces can make an important contribution to the health and well-being of communities.

The London Plan 2016

- 10.168 Policy 3.5 '*Quality and design of housing developments*' seeks to enhance the quality of local places by ensuring that new housing developments take into account the provision of public, communal and open spaces.
- 10.169 Policy 3.6 '*Children and young people's play and informal recreation facilities*' requires all children and young people to have safe access to good quality, well-designed, secure and stimulating play and informal recreation provision, taking account of the projected child population.
- 10.170 Policy 7.5 '*Public realm*' requires public spaces to be 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.

10.171 Policy 7.6 *'Architecture'* says that buildings should provide high quality outdoor spaces and integrate well with the surrounding streets and open spaces.

The Mayor's 'Housing' SPG 2016

10.172 Standard 5 supports London Plan Policy 3.6 and reiterates that for developments with an occupancy of ten children or more should make appropriate play provision in accordance with the *'Providing for Children and Young People's Informal Recreation'* SPG. This states that children's play space should be provided in new developments with a target of 10 m² per child. The SPG further recommends the following accessibility requirements for children's play space:

- 400 metres walking distance from a residential unit for 5-11 year olds;
- 800 metres walking distance from a residential unit for 12+ year olds.

Tower Hamlets Core Strategy

10.173 Policy SP04 *'Creating a green and blue grid'* seeks to deliver a network of open spaces including by maximising opportunities for new publicly accessible open space of a range of sizes. Policy SP09 *'Creating attractive and safe streets and spaces'* seeks to create a high quality public realm network which provides a range of sizes of public space that can function as places for social gathering. Policy SP12 *'Delivering placemaking'* seeks to ensure that the borough's *'places'* have a range and mix of high-quality publicly accessible green spaces.

Tower Hamlets Managing Development Document

10.174 Policy DM4 *'Housing standards and amenity space'* requires residential development to provide communal amenity space at a minimum of 50 m² for the first 10 dwellings and 1 m² for every additional unit, making a requirement of 311 m² within the development.

10.175 Policy DM4 also requires child play space provision at 10 m² per child. This can be achieved by a combination of on-site (provision for children under 5 should always be on-site) or off-site provision within 400 m. & 800 m. in line with the Mayor's SPG.

10.176 Policy DM10 *'Delivering open space'* requires development to provide or contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy.

10.177 Site Allocation 17 *'Millenium Quarter'* shows a Green Grid route running along Cuba Street.

The South Quay Masterplan 2015

10.178 Identifies the adjoining Cuba Street site as a potential location for new public open space at the western end.

Assessment

10.179 Communal amenity space: The development includes communal amenity space and child play space at 1st floor level on top of the podium and within the building, at 10th floor comprising a gym and a climbing wall and a roof terrace at 39th floor level.

Communal amenity space and child play space	
Indoor	560 m2
Outdoor	974 m2
Total	1,534 m2

10.180 Within the 1,534 m2, 1,015 m2 would comprise communal amenity space and 519 m2 child play space. The policy requirement for 311 m2 of communal amenity space is consequently met although it is not clear that a gym qualifies as such. Further with regard to the use of the podium ES Chapter 16 'Wind Mitigation' concludes:

“At podium level, the south-eastern and north-western areas are too windy for recreational uses, while the south-eastern corner rates as unsuitable in terms of safety.”

“With the introduction of wind mitigation measures, within both existing and consented surrounds, conditions immediately around and within the proposed development are much improved and are now considered suitable for existing and planned pedestrian uses, in terms of comfort and safety.”



Figure 12. Proposed podium Cuba Street

10.181 The proposed wind mitigation measures include the planting of thirteen 7 m. high trees alongside the 'Landmark' development and the public footway on Marsh Wall. On Marsh Wall the building would overhang the forecourt leaving a clear 1.2 m. wide forecourt. In addition the public footway is 2.4 m. wide. It is doubtful whether there is sufficient space for large trees to survive in this location.

10.182 Child play space: The GLA's child yield calculator estimates that the development would yield 62 children – 29 under 5, 20 aged 5 to 11 and 13 aged 12+ requiring

620 m2 of play space. Ideally this should be on site and apportioned between the different age groups.

- 10.183 The scheme provides 419 m2 of play space for 0-5 years i.e. 129 m2 above the 290 m2 policy requirement. There would be approximately 100 m2 of play space for older children, a shortfall of 130 m2. Due to the size of the site and the footprint of the building, the applicant says it is not possible to provide further child play space for the older age groups. In mitigation, the applicant refers to the proposed public open space within the proposed adjacent development on Cuba Street (PA/15/0528), which is under 100 m. from 30 Marsh Wall. The proposed open space at Cuba Street is 162 m2 larger than policy requirements but cannot be relied on. The nearest public open space is Sir John McDougal Gardens, Westferry Road which offers child play equipment but is some 500 m. walking distance from 30 Marsh Wall, beyond the 400 m. deemed to satisfy the Mayor's SPG for 5-11 year olds. The applicant's ES refers to Strafford Street Open space and playspace being within 400 m. from the proposed development but this comprises part of the Barkantine Estate managed by One Housing Group.
- 10.184 It is not considered that the scheme satisfactorily demonstrates compliance with development plan and the Mayor's SPG policy regarding the provision of usable communal open space or child play space.

Impact on surroundings

The London Plan 2016

- 10.185 Policy 7.6 '*Architecture*' requires buildings not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings. The GLA's Stage 1 Report is silent on the daylight and sunlight implications of the proposed development.

Tower Hamlets Core Strategy

- 10.186 Policy SP10 '*Creating Distinct and Durable Places*' protects residential amenity including preventing loss of privacy and access to daylight and sunlight.

Tower Hamlets Managing Development Document

- 10.187 Policy DM25 '*Amenity*' requires development to ensure it does not result in unacceptable loss of privacy, overlooking, sense of enclosure, loss of outlook, or material deterioration of sunlight and daylight conditions of surrounding development assessed by the methodology within the Building Research Establishment's '*Site layout planning for sunlight and daylight.*'

Sunlight & daylight

- 10.188 The Building Research Establishment (BRE) publication '*Site layout planning for daylight and sunlight: a guide to good practice*' advises that to calculate daylight to neighbouring properties, the vertical sky component (VSC) is the primary assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. For sunlight, applicants should calculate the annual probable sunlight hours (APSH) to windows of main habitable rooms of neighbouring properties that face within 90° of due south and are likely to have their sunlight reduced by the development massing. For shadow assessment, the requirement is that a garden or amenity area with a requirement for sunlight should have at least 50% of its area receiving 2 hours of sunlight on

21st March. The Handbook also provides guidance for assessing overshadowing of future adjoining development land.

10.189 The applicant's Environmental Statement (ES) assesses the impact of the proposal on the sunlight and daylight impact on surrounding residential property and has been independently reviewed for the Council by the BRE.



Figure 13. 30 Marsh Wall & surrounding buildings

10.190 The worst affected existing properties would be on the Landmark Estate (No. 22 Marsh Wall), on the eastern sides of the Landmark East Tower and Landmark South ('*Endeavour House*'). Loss of daylight would be classed as major adverse. Loss of sunlight would be classed as major adverse for Landmark East and moderate adverse for Landmark South. There would be an additional cumulative impact on both daylight and sunlight to Landmark South if the Cuba Street development were constructed.

10.191 However Landmark East is a very tall building close to the site boundary. In these circumstances the BRE guidelines acknowledge that a greater loss of light may be inevitable if new buildings are to match the height and proportions of existing ones. There would be a moderate adverse impact on daylight to the Landmark West Tower, though loss of sunlight to this building would be within the guidelines.

10.192 Other existing properties would be less affected. There would be a minor adverse impact on daylight to some rooms in residential properties in Nos. 2-6 Manilla Street, No. 12 Bellamy Street and Anchorage Point (Westferry Road). Loss of sunlight would be negligible for these buildings. For No. 19 Cuba Street (referred to as 1-26 Cuba Street in the Environmental Statement), some windows would gain light, and this would be a moderate beneficial impact.

10.193 The ES has carried out a cumulative assessment including other proposed developments nearby. There would be a very large cumulative impact on daylight to 1 Tobago Street. Most of the loss of light is due to the proposed Cuba Street

development which would be very tall and very close to Tobago Street, but No. 30 Marsh Wall does contribute to the loss of light.

Microclimate

Overview

10.194 Tall buildings can have an impact on microclimate, particularly in relation to wind. Where strong winds occur due to a tall building it can have detrimental impacts on the comfort and safety of pedestrians and cyclists and render landscaped areas unsuitable for their intended purpose. The Lawson Comfort Criteria (LCC) is a widely accepted measure of suitability for specified purposes:

Lawson Comfort Criteria

Sitting	Long-term sitting e.g. outside a café
Entrance Doors	Pedestrians entering/leaving a building
Pedestrian Standing	Waiting at bus-stops or window shopping
Leisure Walking	Strolling
Business Walking	'Purposeful' walking or where, in a business district, pedestrians may be more tolerant of the wind because their presence on-site is required for work
Roads and Car Parks	Open areas where pedestrians are not expected to linger

10.195 For a predominantly residential urban site such as 30 Marsh Wall, the desired wind microclimate would typically need to have areas suitable for sitting, entrance use, standing and leisure walking. The business walking and roads classifications may be acceptable in isolated areas, but being associated with occasional strong winds should be avoided. Upper level amenity terraces are assessed on the basis that they are intended for good-weather use only with sitting or standing conditions during the summer acceptable.

London Plan 2016

10.196 Policy 7.7 '*Tall and large scale buildings*' says tall buildings should not affect their surroundings adversely in terms of microclimate and wind turbulence.

The Mayor's Sustainable Design and Construction SPG 2014

10.197 Paragraph 2.3.7 confirms large buildings can alter their local environment and affect the micro-climate potentially making it unpleasant at ground level or limiting natural ventilation of buildings. On sites significantly taller than the surrounding environment, developers should assess the potential impact on ground conditions, and ensure the design of the development provides suitable conditions for the intended uses.

Tower Hamlets Core Strategy

10.198 Policy SP10 '*Creating distinct and durable places*' seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. This will be achieved through ensuring development protects amenity.

Tower Hamlets Managing Development Document

10.199 Policy DM24 '*Place sensitive design*' requires development to take into account impacts on microclimate. Policy DM26 '*Building heights*' requires development not

to adversely impact on the microclimate of the surrounding area, the proposal site and the provision of open space.

Assessment

10.200 Chapter 16 of the applicant's ES includes an assessment of the potential impacts of the scheme on the wind microclimate within the site and the surrounding area in accordance with the Lawson Comfort Criteria (LCC) although there are departures from the accepted terminology.

10.201 Three configurations were tested which included the baseline (as existing), the completed proposed development with existing surroundings and the completed proposed development with proposed cumulative surroundings.

10.202 The ES concludes:

- *With the introduction of the Proposed Development, within both existing and consented surrounds, conditions immediately around and within the Proposed Development are generally suitable for existing and planned pedestrian uses, in terms of comfort and safety.*
- *Some isolated exceptions exist. At ground level for consented future surrounds, the entrances to the southern façade are too windy for comfortable ingress / egress. At podium level, the south eastern and north-western areas are too windy for recreational uses, while the south eastern corner rates as unsuitable in terms of safety, and of the instrumented balconies, one location on the exposed southern façade is too windy for comfortable seated use.*
- *Conditions within the surrounding area are generally acceptable also, but again exceptions exist, in terms of both comfort and safety. These principally occur within the region to the north of the Landmark development, but also, upon the introduction of the consented developments to the south, at the southwest corner of the consented development to the south. These exceptions are not expected to result from the introduction of the Proposed Development*
- *With the introduction of wind mitigation measures, within both existing and consented surrounds, conditions immediately around and within the proposed development are much improved and are now considered suitable for existing and planned pedestrian uses, in terms of comfort and safety.*
- *With the introduction of recommended mitigation measures, conditions within the wider surrounding area remain unchanged to the configurations tested in the absence of wind mitigation.*

10.203 The proposed wind mitigation measures comprise:

- Thirteen 5-7 m high trees at ground level on Marsh Wall and alongside the Landmark,
- 3 m high hedge at ground level alongside the Landmark,
- 5.75 m (or 6 m.) high screens at ground level alongside the Landmark,
- 3 m high screens at podium level,
- Four 3 m high trees at podium level,
- 6 m high solid parapet at roof terrace level.

10.204 Some mitigation measures appear excessive and impractical e.g. the 6 m. tall screen, which appears to be sited on land within the adjoining Landmark development, and the 6 m high solid parapet at roof terrace level. In addition, the proposed development overhangs the Marsh Wall footway leaving a clear 1 m. wide forecourt and a 2.4 m. public footway. It is doubtful whether there is sufficient space for trees to survive in this location and environment.

10.205 In its Review of the Environmental Statement for the Council, LUC report:

“The wind environment has been assessed for the proposed development both with and without mitigation. Clarification is sought as to whether mitigation has been tested via wind tunnel (it is referred to as recommended mitigation in the conclusion). If not, this testing is required in order to determine effectiveness of these measures plus any effects requiring mitigation arising from the cumulative significant adverse effects.....”

And,

There are significant cumulative adverse effects that are not mitigated on the basis they are not considered to be a result of the proposed development. Further information is required about these significant effects to provide a justification for this conclusion. This could be undertaken by testing the cumulative scenario both with and without the proposed scheme. Wind testing of the mitigation measures required to reduce wind speeds to acceptable levels is required to determine their effectiveness.

10.206 No further information has been submitted by the applicant. It is not considered that the scheme satisfactorily demonstrates compliance with development plan policy to achieve a satisfactory wind microclimate.

Highways and Transport

NPPF

10.207 Paragraph 30 says local planning authorities should support a pattern of development that facilitates the use of sustainable modes of transport. Paragraph 32 requires development generating significant amounts of movement to be supported by a Transport Statement or Transport Assessment. TfL’s Transport Assessment Best Practice Guidance Document 2010 advises that development of 2,500 m² or more be supported by a transport assessment.

10.208 Paragraph 34 says decisions should take account of whether safe and suitable access to the site can be achieved for all people. Paragraph 35 advises that developments should be located and designed where practical to:

- *accommodate the efficient delivery of goods and supplies;*
- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;*
- *incorporate facilities for charging plug-in and other ultra-low emission vehicles; and*
- *consider the needs of people with disabilities by all modes of transport.*

The London Plan 2016

10.209 The key policies applicable to transport issues are:

6.1 – *Strategic Approach*

6.3 – *Assessing effects of development on transport capacity*

6.9 – *Cycling*

6.13 – *Parking*

10.210 Policy 6.1 provides the strategic approach to the integration of transport and development encouraging patterns of development that reduce the need to travel, especially by car. Policy 6.3 requires development proposals to ensure that impacts on transport capacity and the transport network, at both corridor and local level, are fully assessed.

Cycle parking standards

10.211 Policy 6.9 requires development to provide secure, integrated and accessible cycle parking facilities in line with the minimum standards in Table 6.3 – in inner London for Class B1 (Business) 1 long-stay space per 90 m² and 1 short-stay space per 500 m². For Class C3 (dwellings) 1 cycle space for single bed units, 2 cycle spaces for all other dwellings.

Car parking standards

10.212 Policy 6.13 explains the Mayor wishes to see a balance struck between promoting development and preventing excessive parking provision. Table 6.2 sets out maximum parking standards. In 'urban' areas with PTAL5 for residential development there should be 'up to one space per unit.' Developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. Adequate parking spaces for disabled people must be provided preferably on-site. 20 per cent of all spaces must be for electric vehicles with an additional 20 per cent passive provision for electric vehicles in the future.

Tower Hamlets Core Strategy

10.213 Strategic Objective SO20 seeks to: *'Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.'* Policy SP09 *'Creating attractive and safe streets and spaces'* provides detail on how the objective is to be met implementing a street hierarchy. Local streets should provide safe and convenient access and be place to gather and socialise in. Development should not adversely impact on the safety and capacity of the road network. Car free development is promoted.

Tower Hamlets Managing Development Document

10.214 Policy DM20 *'Supporting a sustainable transport network'* reinforces the need for developments to be properly integrated with the transport network without unacceptable impacts on capacity and safety. It emphasises the need to minimise car travel and prioritises movement by walking, cycling and public transport.

10.215 Policy DM22 *'Parking'* requires developments to meet car and cycle parking standards and be permit free in areas with parking stress and good public transport accessibility. The policy supports the Mayor's cycle hire scheme and aims to ensure electric vehicle charging points and appropriate allocation of parking spaces for affordable family homes and disabled persons. Appendix 2 provides car and cycle parking standards that mirror the then London Plan. Cycle parking requirements have been increased by the London Plan 2016. For

accessible car parking, development with off-street parking should provide a minimum of 2 spaces or 10% of the total parking whichever is the greater.

Assessment

Public Transport

10.216 The site has a TfL Public Transport Accessibility Level PTAL5 'Very Good'. The development would increase trips that would affect the public transport network, including buses, the DLR at Heron Quays & South Quay and the interchange with the Jubilee Line and Crossrail at Canary Wharf. There is no suggestion that development on the Isle of Dogs should be restrained due to inadequate public transport connectivity or capacity and the Elizabeth Line (Crossrail) is due to open in 2018. Further, the draft Isle of Dogs Opportunity Area Planning Framework recommends a future increase in the capacity of the DLR through Crossharbour. TfL raise no objection in principle requesting financial contributions to improve bus capacity and the Mayor's cycle hire scheme together with the implementation of a Construction Logistics Plan and Delivery & Servicing Plan and a Travel Plan.

Cycle parking

10.217 There would be 376 cycle parking spaces at lower ground floor accessed from Cuba Street. 274 spaces would be allocated to the market housing and 102 spaces for the intermediate and affordable rented housing. Provision would exceed London Plan standards. Any planning permission should be conditioned to require the retention of the cycle storage facilities for the life of the development.

Car parking

10.218 London Plan and MDD Policy allows a maximum of 31 car parking. The standard would be exceeded by 3 spaces but any planning permission could be conditioned to require policy compliance. The parking provision would be in stackers capable of taking vehicles adapted for disabled motorists. Any planning permission could be conditioned to require that a minimum of 10% of the spaces is retained for the sole use of registered Blue Badge holders. A legal agreement could prevent residents (other than Blue Badge holders) from purchasing on-street parking permits and requiring that no spaces should be sold or rented out to non-residents. A Parking Management Plan could also be required by condition.

10.219 The car park entrance would be via a single lift from Cuba Street. Vehicles should not be required to wait excessively on the public highway for the lift that should always return to street level. This could be incorporated in a Parking Management Plan together with details of how the car park would operate should the lift fail. However, the car park entrance would be located within a proposed loading bay on Cuba Street. Transport and Highways advises that this will not work as the access may be blocked with vehicles loading / unloading and a separate access is required. Revised details could be secured by condition.

Servicing

10.220 Servicing would also take place from the proposed inset shared surface bay on part of the public highway on Cuba Street. Transport and Highways advise that this could be acceptable if the additional 2 m. wide footway behind the bay was provided and dedicated as public highway under s72 of the Highways Act 1980 to ensure a continuous footway.

10.221 The submitted Design and Access Statement says "*the development is designed to ensure that all servicing activities will take place off the public highway in order to ensure that traffic flows on the surrounding highway network are unaffected by the*

operation of the site. Servicing will be taken from within the site boundary at basement level." However, the submitted Draft Delivery and Service Management Plan states that servicing is proposed on the public highway (the new bay). The developer would not be able to exercise any control over the bay as it would be open for anyone to use it legitimately within the operational hours. Outside of the operating hours the bay could be used for car parking. Arrangements would need to be put in place to deal with this and 'no waiting' at any time restrictions, except for loading. This could be covered in a final Service Management Plan that could be a requirement of any permission.

Changes to road layout and other works

- 10.222 Alteration to the highway in Cuba Street and any other necessary works to the public highway adjacent to the site would require a section 278 agreement with the highway authority and secured by condition.

Pedestrian movement

- 10.223 The proposal would open up the site and improve pedestrian permeability which is welcomed, including steps to Marsh Wall.

Travel Plans

- 10.224 Any planning permission would also need to be subject to the approval of a full Travel Plan and a Demolition and Construction Plan should also be secured, Marsh Wall being sensitive to construction traffic due to the scale of development taking place.

Waste

The London Plan 2016

- 10.225 Policy 5.17 – '*Waste capacity*' requires suitable waste and recycling storage facilities in all new developments. The Mayor's '*Housing*' SPG 2016 Standard 23 advises that storage facilities for waste and recycling containers should be provided in accordance with local authority requirements and meeting at least British Standard BS5906: 2005 – '*Code of Practice for Waste Management in Buildings.*' With weekly collections the Code recommends 100 refuse litres for a single bedroom dwelling, with a further 70 litres for each additional bedroom and 60 litres internal space for the storage of recyclable waste.

Tower Hamlets Core Strategy

- 10.226 Strategic Objective SO14 is to manage waste efficiently, safely and sustainably minimising waste and maximising recycling. Policy SP05 '*Dealing with waste*' implements the waste management hierarchy - reduce, reuse and recycle.

Tower Hamlets Managing Development Document

- 10.227 Policy DM14 '*Managing Waste*' requires development to demonstrate how it will provide appropriate storage facilities for residual waste and recycling. Major development should provide a Waste Reduction Management Plan for the construction and operation phases. MDD Appendix 3 provides capacity guidelines for residential waste. These are to be revised in emerging revisions to the Local Plan and a Waste SPG.

Assessment

- 10.228 The application is supported by a Waste Strategy by WSP Parsons Brinckerhoff. This considers the potential impacts that may arise from waste generated during site preparation, construction and operational phases with the overall aim of developing a strategy for legislative compliance and good practice in the separation, storage, collection, treatment and/or disposal of waste arising.
- 10.229 Residents would be responsible for manually transporting and depositing their refuse, recycling and compostable waste in the appropriate containers in the main waste storage rooms located at basement 1 level. Waste containers for affordable and private units would be located in separate secure stores. The bins would be moved by the managers of the building by lift to the collection point in Cuba Street at the collection time and returned to basement level.
- 10.230 The report also outlines the opportunities for implementing waste mitigation measures for the potential impacts arising during each phase of the development in order to ensure that such measures are consistent with both Government and local authority waste policies and targets.
- 10.231 The proposals set out in the Strategy meet the requirements of relevant waste policy and follow applicable guidance. Implementation of the strategy would need to be secured by condition on any planning permission.

Energy and sustainability

The NPPF

- 10.232 The NPPF says planning plays a key role in delivering reductions to greenhouse gas emissions and providing resilience to climate change. The Government encourages developments to incorporate renewable energy and promote energy efficiency.

The London Plan 2016

- 10.233 Climate change Policy 5.2 '*Minimising CO2 emissions*' provides the Mayor's energy hierarchy:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

- 10.234 Major developments should achieve targets for carbon dioxide emissions reduction expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations leading to zero carbon residential buildings from 2016. Policy 5.6 sets a target to generate 25% of heat and power by local decentralised energy systems.

Tower Hamlets Core Strategy

- 10.235 Policy SP11 '*Working towards a zero carbon borough*' adopts a borough wide carbon reduction target of 60% below 1990 levels by 2025 with zero carbon new homes by 2016. It also promotes low and zero-carbon energy generation by implementing a network of decentralised heat and energy facilities and requires all

new development to provide 20% reduction of CO2 emissions through on site renewables where feasible.

Tower Hamlets Managing Development Document

10.236 Policy DM29 '*Achieving a zero-carbon borough and addressing climate change*' includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Development is required to connect to or demonstrate a potential connection to a potential decentralised energy system unless it can be demonstrated that this is not feasible or viable.

Tower Hamlets Planning Obligations SPD 2016

10.237 The SPD contains the mechanism for any shortfall in CO2 reduction on site to be met through a carbon offsetting contribution. In addition, the Council has an adopted carbon offsetting solutions study (Cabinet January 2016) to enable the delivery of carbon offsetting projects.

Assessment

10.238 The proposals seek to implement energy efficiency measures by a site wide heating system and renewable energy technologies to deliver a 35.2% reduction CO2 emission reductions. The proposed CO2 reductions fall short of the 45% requirements of MDD Policy DM29. The proposals require further consideration into delivering a connection to the Barkantine heat and power network to ensure compliance with London Plan Policy 5.6 '*Decentralised energy in development proposals*' and MDD Policy DM29. Subject to conditions to prioritise linking to Barkantine, and the CO2 emission reduction shortfall being met through a carbon offsetting contribution, the proposals would accord with adopted policies for decentralised energy and emission reductions. If planning permission was granted, it would be recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:

- Updated district energy connection strategy, submitted prior to commencement on site and agreed in writing with the Council, with an assumption to deliver a connection to the Barkantine heating network unless demonstrated not feasible / viable. Updated strategy to include energy calculations using the carbon intensity applicable to the Barkantine network.
- Carbon offsetting contribution secured through a section 106 contribution (£66,600)
- Delivery of BREEAM '*Excellent*'.

Air Quality

The London Plan 2016

10.239 Policy 7.14 '*Improving air quality*' requires development proposals to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality particularly within Air Quality Management Areas (AQMA) through design solutions, buffer zones or steps to promote greater use of sustainable transport modes. Sustainable design and construction measures to reduce emissions from the demolition and construction of buildings are also promoted. Development should be at least '*air quality neutral*.'

10.240 In July 2014 the Mayor of London published an SPG for *'The Control of Dust and Emissions during Construction and Demolition.'*

Tower Hamlets Core Strategy

10.241 The entire Borough of Tower Hamlets is an AQMA and Core Strategy Policy SP03 *'Creating healthy and liveable neighbourhoods'* seeks to address the impact of air pollution. Policy SP10.4.b. *'Creating distinct and durable places'* requires design and construction techniques to reduce the impact of air pollution.

Tower Hamlets Managing Development Document

10.242 Policy DM9 *'Improving air quality'* requires major development to submit an Air Quality Assessment demonstrating how it will prevent or reduce associated air pollution.

Assessment

10.243 The construction works have the potential to create dust. During construction it will be necessary to apply a package of mitigation measures to minimise dust emission. With these measures in place, it is expected that any residual effects will be *'not significant'*. If planning permission is granted, dust and emissions mitigation/management measures could be secured in a Construction Management Plan secured by condition.

10.244 Environmental Protection advises that the air quality assessment within the ES is accepted. It concludes that the NO₂ annual objective would be exceeded at the lower levels facing Marsh Wall. A condition should be applied to any planning permission to require that mitigation must be provided for all units where the NO₂ objective would be exceeded at the façade, details of the mitigation to be submitted for approval.

Noise and Vibration

10.245 NPPF paragraph 109 includes policy requirements to prevent new development from contributing towards unacceptable levels of noise pollution. The NPPG requires planning applications to identify any significant adverse effects on noise levels which may have an unacceptable impact on health and quality of life.

The London Plan 2016

10.246 Policy 7.15 *'Reducing and managing noise'* seeks to reduce and manage noise and to improve and enhance the acoustic environment in the context of development proposals.

Tower Hamlets Core Strategy

10.247 Policy SP03 *'Creating healthy and liveable neighbourhoods'* seeks to ensure that development proposals reduce noise by minimising existing and potential adverse impact and separate noise sensitive development from major noise sources. Policy SP10.4.b. *'Creating distinct and durable places'* requires design and construction techniques to reduce the impact of noise pollution.

Tower Hamlets Managing Development Document

10.248 Policy DM25 *'Amenity'* requires developments not to create unacceptable levels of noise on the amenity of existing and future residents and the public realm.

Assessment

10.249 Noise and vibration have been considered within the submitted Environmental Statement. The ES claims:

- The change in local noise levels due to predicted changes in traffic flows has been assessed, and the only location where there would be an adverse change is Cuba Street (with a minor adverse effect). Changes elsewhere would be negligible.
- Internal ambient noise levels within the Development (as a result of noise intrusion from the surroundings) could be controlled through appropriate façade specifications. Given the size of the building, these specifications will change with height and orientation.
- The long term effect of fixed plant within the development on sensitive receptors in its immediate surroundings would be negligible with the application of sufficient mitigation at the design stages.

10.250 The Interim Review Report of the ES by Land Use Consultants for the Council found potential requests for further information regarding definitions of the criteria used for impact descriptors for construction noise, calculations of construction noise at specific locations rather than at fixed distances and assessment of construction traffic noise.

10.251 Officers advise that conditions could be applied to any permission to ensure noise, vibration and piling are controlled during construction including hours.

10.252 The operation of the proposed 1,114 m² of commercial and community floorspace [Classes A1 (Shop), A2 (Financial and professional services), A3 (Café restaurant) A4 (Drinking establishment) & D1 (Non-residential institution) at lower ground and ground floors raises no in principle concern and could be regulated by conditions and hours of operation.

Contaminated land

NPPF

10.253 Paragraph 109 explains that the planning system should prevent new development being put at unacceptable risk from unacceptable levels of soil pollution. To prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location (paragraph 120).

London Plan 2016

10.254 Policy 5.21 '*Contaminated land*' requires appropriate measures to be taken to ensure that development on previously contaminated land does not activate or spread contamination.

Tower Hamlets Managing Development Document

10.255 Policy DM30 '*Contaminated land*' requires a site investigation and remediation proposals to be agreed for sites which contain potentially contaminated land.

Assessment

10.256 The site and surrounding area has a long history of industrial land uses including various wharves, a timber yard, metal works, oil works and a landfill site. Potential contaminants include metals, asbestos, fuels and oils. Contaminants are likely to be restricted to any residual 'Made Ground' beneath the site following the installation of the proposed basement. In addition, borehole records relating to the site prior to the construction of the existing office building did not record evidence of gross widespread organic contamination (fuels and oils). Made Ground and Alluvium present beneath the site, and the landfill site to the northwest may pose a ground gas risk.

10.257 The potential effects identified include:

- Exposure to contamination associated with historical land use.
- Release / migration of contamination to controlled waters.
- Risk of hazardous ground gas and impacts to human health.
- Presence of unstable and compressible ground conditions.
- Presence of unexploded ordnance (UXO).

10.258 Conditions could be applied to any planning permission to secure a site investigation and mitigation of any contamination.

Archaeology

10.259 The NPPF (Section 12) emphasises that the conservation of archaeological interest is a material consideration in the planning process. Applicants are required to submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.

10.260 London Plan Policy 7.8 '*Heritage assets and archaeology*' requires development to incorporate measures that identify, record, interpret, protect and where appropriate, present the site's archaeology. New development should make provision for the protection of archaeological resources.

Tower Hamlets Core Strategy

10.261 Policy SP10 '*Creating distinct and durable places*' says the Council will protect heritage assets and their settings including archaeological remains and archaeological priority areas.

Tower Hamlets Managing Development Document

10.262 Policy DM27 '*Heritage and the historic environment*' requires development proposals located within or adjacent to archaeological priority areas to be supported by an Archaeological Evaluation Report.

Assessment

10.263 The site is not located within or adjacent to an Archaeological Priority Area. The applicant's Environmental Statement Chapter 8 anticipates there are no buried heritage assets of very high significance on site that would merit permanent preservation in-situ. Though the site has potential for remains which might contribute to understanding past human activity in the area, it claims there is

nothing to suggest that any of the likely archaeological deposits are rare either in a national or regional context and worthy of further consideration for preservation (i.e. through design modifications).

10.264 The Interim Review Report of the ES by Land Use Consultants for the Council advised that Chapter 8 currently provides insufficient information for the Council to make a reasoned judgement in relation to the nature, extent and severity of potential effects on built heritage assets.

10.265 The Greater London Archaeological Advisory Service recommends a condition to require a two - stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

Flood Risk

NPPF

10.266 The NPPF says the susceptibility of land to flooding is a material planning consideration. The Government looks to local planning authorities to apply a risk-based approach to their decisions on development control through a sequential test and if required an exception test.

10.267 Paragraph 102 explains that for development to be permitted both elements of the Exception Test must be passed:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

10.268 Paragraph 104 says development should be appropriately flood resilient and resistant, with safe access and escape routes where required, and that any residual risk is safely managed, including by emergency planning.

The London Plan

10.269 Policy 5.12 '*Flood Risk Management*' confirms that development proposals must comply with the NPPF's flood risk assessment and management requirements.

Tower Hamlets Core Strategy

10.270 Policy SP04 (5) within '*Creating a Green and Blue Grid*' says the Council will reduce the risk and impact of flooding by using the Sequential Test to assess and determine the suitability of land for development based on flood risk. All new development that has to be located in a high flood risk zone must demonstrate that it is safe and passes the Exception Test.

Assessment

10.271 The Environment Agency's Flood Map shows that the site is located in Flood Zone 3 (High Risk) i.e. greater than 0.5% per annum (less than 1:200 probability a year). However, it is protected by the Thames Tidal flood defences to a 1 in 1,000 year

annual (<0.1%) and mean the site is within a low risk area but at risk if there was to be a breach or the defences overtopped.

10.272 30 Marsh Wall is not allocated in the Tower Hamlets Local Plan for redevelopment and has not passed the Tower Hamlets Sequential Test within the Borough's Level 2 Strategic Flood Risk Assessment 2011.

8.65 Residential is a '*More Vulnerable*' land use. The Environment Agency raises no objection in principle but advises that the proposal does not have a safe means of access and / or egress in the event of flooding to an area wholly outside the floodplain. Safe refuge within the higher floors of the development has been suggested and the Council should assess the adequacy of the evacuation arrangements. The Agency also recommends that to improve flood resilience, finished floor levels should be set above the 2100 breach level - 5.452 m. AOD.

10.273 The application is supported by a Flood Risk Assessment (FRA) by WSP (ES Appendix 15.1). The applicant sets out finished floor levels to be above the 2065 breach event and will endeavour to raise the lower ground level as high as practically possible, to reduce the impact from a 2100 breach event or surface water flooding of Cuba Street. The FRA concludes that the proposed layout, with residential on the upper floors, means that residents would have safe refuge the development would provide wider sustainability benefits namely the provision of housing.

10.274 Given the site is already developed, the proposal and would not increase the risk of flooding elsewhere, and the development provides wider sustainability benefits to the community by the provision of housing, officers consider the proposal passes the Exception Test. No residential accommodation is proposed in the lower levels and therefore limits the vulnerability and safe refuge is available upwards if necessary.

Sustainable urban drainage (SUDS)

NPPE

10.275 Paragraph 103 asks local authorities in determining planning application to ensure that flood risk is not increased elsewhere and any residual risk gives priority to the use of sustainable drainage systems.

The London Plan

10.276 Policy 5.11 '*Green roofs and development site environs*' requires major development proposals to include roof, wall and site planting including green roofs and sustainable urban drainage where feasible. Policy 5.13 '*Sustainable drainage*' requires schemes to utilise SUDS, unless there are practical reasons for not doing so, and aims to achieve greenfield run-off rates and manage surface water run-off in line with the following hierarchy:

- 1 Store rainwater for later use,
- 2 Use infiltration techniques, such as porous surfaces in non-clay areas,
- 3 Attenuate rainwater in ponds or open water features for gradual release,
- 4 Attenuate rainwater by storing in tanks or sealed water features for gradual release,
- 5 Discharge rainwater direct to a watercourse,
- 6 Discharge rainwater to a surface water sewer/drain,

7 Discharge rainwater to the combined sewer.

Tower Hamlets Core Strategy

10.277 Policy SP04 5. within '*Creating a green and blue grid*' requires development to reduce the risk and impact of flooding through, inter alia, requiring all new development to aim to increase the amount of permeable surfaces, include SUDS, to improve drainage and reduce surface water run-off.

Tower Hamlets Managing Development Document

10.278 Policy DM13 '*Sustainable drainage*' requires development to show how it reduces run off through appropriate water reuse and SUDS techniques

Assessment

10.279 The proposed drainage strategy proposes a reduction of the existing surface water run-off to greenfield run off rates achieved by including 76 m3 of storage. The Council's Sustainable Drainage Officer advises that the proposals are acceptable and comply with London Plan Policy 5.13 and MDD Policy DM13. The proposal primarily utilises storage tanks below basement level and pumping would be required to discharge into Thames Water's sewer. Whilst the discharge rate is welcomed the proposal makes little use of sustainable SUDs techniques and its appraisal is limited.

10.280 Otherwise no objection to the development. To ensure flood risk is not increased elsewhere a surface water drainage scheme as outlined in the Flood Risk Assessment should be secured by a planning condition.

10.281 The applicant has not adequately addressed the residual risk associated with the drainage strategy. There is no indication how the drainage system is to be maintained. A poorly maintained drainage system can lead to future flooding problems. The attenuation tanks below basement level will necessitate pumping which will increase the level of risk due to pump failure. Safe and appropriate flow routes from blockage and exceeding the drainage system capacity should demonstrate no property flooding or increase in flood risk, either offsite or to third parties.

10.282 It is recommended that details of agreed adoption, monitoring and maintenance of the drainage and SUDS features are conditioned should planning permission be granted.

Biodiversity

NPPF

10.283 Paragraph 109 requires the planning system to contribute to and enhance the natural and local environment by minimising impacts on biodiversity providing net gains where possible. Local Plans should plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (Paragraph 114). Opportunities to incorporate biodiversity in and around development are encouraged.

The London Plan 2016

10.284 Policy 7.19 '*Biodiversity and access to nature*' requires development proposals wherever possible to make a positive contribution to the protection and enhancement of biodiversity.

Tower Hamlets Core Strategy

10.285 Policy SP04 concerns '*Creating a green and blue grid.*' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs whilst ensuring that development protects and enhances areas of biodiversity value.

Tower Hamlets Managing Development Document

10.286 Policy DM11 '*Living buildings and biodiversity*' requires developments to provide elements of a '*living buildings.*' This includes living roofs, walls, terraces or other greening techniques. The policy requires developments to deliver net biodiversity gains in line with the Tower Hamlets Local Biodiversity Action Plan (LBAP). Cuba Street forms part of the Tower Hamlets' Green Grid.

Assessment

10.287 The application site has no existing biodiversity value and ecology has been scoped out of the ES. The site contains no vegetation or soft surfaces and the existing buildings are unsuitable for roosting bats or nesting birds. The site is close to the Millwall & West India Docks Site of Interest for Nature Conservation (SINC) but no significant adverse impacts on the SINC are likely. There would therefore be no adverse biodiversity impacts.

10.288 MDD Policy DM11 requires major development to provide biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP). The proposals include landscaping at upper and lower ground levels, 1st floor podium, 10th floor gym level and roof level 39. These include tree planting, ornamental shrubs and planters with grasses and perennials. There would also be a communal 'pocket park' on Cuba Street. Few of the species indicated in the Landscape Design Strategy are native or of significant wildlife value, and the overall species diversity in the proposed planting is low.

10.289 The Ecology Report and the Design & Access Statement refer to bird and bat boxes that would contribute to LBAP targets.

10.290 Overall, the planting would ensure a small overall biodiversity benefit and help LBAP objectives and targets as required by Policy DM11. Should permission be granted the Council's Biodiversity officer recommends a condition requiring the submission of full details of biodiversity enhancements, landscaping, bat boxes and nest boxes, the approved scheme to be implemented prior to occupation of the development.

Airport Safeguarding

10.291 The application site lies beneath flight paths to and from London City Airport in an area subject to aerodrome safeguarding. National Air Traffic Services confirm the development does not conflict with safeguarding criteria. London City Airport has no objection but requests an informative that no construction works such as cranes or scaffolding above the height of the planned development shall be erected unless a construction methodology statement has been submitted and approved in writing by London City Airport.

Telecommunications

- 10.292A Telecommunications Interference chapter was included within the Environmental Statement that supported the previous application. The conclusions demonstrated that with the implementation of the mitigation measures listed for the construction and operational phases there would be no anticipated significant residual impacts. Given the switch to digital television broadcast, the proposed development would be unlikely to give rise to significant effects and is not anticipated to interfere with terrestrial TV or satellite TV signals.
- 10.293 In scoping the ES, the applicant proposed that Telecommunications Interference be scoped out. The Council confirmed its agreement with this approach.

Environmental Statement

- 10.294 The planning application represents EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). The application was submitted in February 2016 accompanied by an Environmental Statement (ES) by Metropolis Green. Regulation 3 prohibits the Council from granting planning permission without consideration of the environmental information.
- 10.295 The environmental information comprises the ES, including any further information submitted following request(s) under Regulation 22 and any other information, any representations made by consultation bodies or by any other person about the environmental effects of the development.
- 10.296 The Council appointed Land Use Consultants Ltd to independently examine the applicant's ES, to prepare an Initial Review Report (IRR) and to confirm whether the ES satisfies the requirements of the EIA Regulations. This is supported by reviews by the authority's internal environmental specialists. The IRR dated June 2016 identified clarifications and potential 'further information' required under Regulation 22. Once the applicant has received the clarifications and potential Regulation 22 requests from the Council they are invited to submit further information to address the points raised.
- 10.297 Any further information received is reviewed by LUC and conclusions drawn as to whether the additional information is satisfactory. These conclusions are then included in the report, and the document completed as the Final Review Report (FRR).
- 10.298 The IRR identified clarifications and potential 'further information' required under Regulation 22 in the following chapters:
- Chapter 6: Demolition and Construction Management
 - Chapter 7: Air Quality
 - Chapter 8: Archaeology and Built Heritage
 - Chapter 9: Daylight and Sunlight. Additionally, the Building Research Establishment advises that the methodology use to assess interior daylight conditions is flawed.
 - Chapter 10: Ground Conditions and Contamination

- Chapter 11: Noise and Vibration
- Chapter 13: Socio-Economics
- Chapter 14: Transport and Access
- Chapter 15: Water Resources, Hydrology and Flood Risk
- Chapter 16: Wind Microclimate
- Chapter 17: Cumulative Impacts
- Chapter 18: Summary and Conclusions

10.299 No additional information or clarifications have been submitted by the applicant and officers conclude that the ES is not regulatory compliant and it has not been possible to issue a Final Review Report.

Planning contributions and Community infrastructure levy

10.300 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Draft 'Planning Obligations SPD 2015 sets out how these impacts can be assessed and appropriate mitigation.

10.301 The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and,
- (c) Fairly and reasonably related in scale and kind to the development.

10.302 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests. Section 106 obligations should be used where the identified pressure from a proposed development cannot be dealt with by Planning Conditions and the infrastructure requirement relates specifically to that particular development and is not covered by CIL.

10.303 Core Strategy Policy SP13 '*Planning obligations*' also sets out the Council's priorities for planning obligations. These are: Affordable housing; sustainable transport; open space; education; health; training employment and enterprise; biodiversity; community facilities; highway works and public realm.

10.304 If permitted and implemented, the proposal would be subject to the Council's Community Infrastructure Levy. The Council's Regulation 123 List September 2016 sets out those types of strategic infrastructure that will or may be wholly or partly funded by CIL.

- Community facilities,
- Electricity supplies to all Council managed markets,
- Employment and training facilities,
- Energy and sustainability (including waste) infrastructure,
- Flood defences,
- Health and social care facilities,
- Infrastructure dedicated to public safety (for example, wider CCTV coverage),
- Leisure facilities such as sports facilities, libraries and Idea Stores,
- Open space, parks and tree planting,

- Public art provision,
- Public education facilities,
- Roads and other transport facilities.

10.305 The LBTH CIL contribution is estimated at £4,964,748. In addition, the development would be liable to the London Mayor's CIL estimated at £902,230. The development does not involve a net increase in commercial floorspace and would not attract the Mayor's Crossrail levy.

10.306 The applicant has also offered 24.1% affordable housing by habitable room. Should planning permission be granted by the Council, or the Mayor on call-in this would need to be secured within a legal agreement. Given the difference in viability assessments reported above, officers recommend that an Affordable Housing Review mechanism should be secured within a section 106 agreement.

10.307 Should permission be granted, the developer would also be required to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction, to secure contributions and measures to support and or provide the training and skills needs of local residents to access job opportunities during construction (£125,008) including 22 apprenticeships and at the end-use phase (£10,247). and 20% end phase local jobs, a car parking permit-free agreement (other than for those eligible for the Permit Transfer Scheme), and agree to a carbon offset contribution should a connection to the Barkantine not be feasible.

Other Local finance considerations

10.308 Section 70(2) of the Planning Act provides that in dealing with a planning application a local planning authority shall have regard to:

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

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

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

In this context "*grants*" include the New Homes Bonus Scheme (NHB).

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

10.311 If permission is refused for the current application NHB would not be received but would be payable were the Mayor to grant permission. Following a refusal, any alternative permitted development involving new housing would receive NHB should the scheme remain in operation.

10.312 Using the DCLG's New Homes Bonus Calculator, the proposed would generate an estimated £407,306 in the first year and £2,443,836 over 6 years.

10.313 If planning permission is refused for the current application, NHB would not be received but would be payable if an alternative development involving new housing was consented should the scheme remain in operation.

Human rights Act 1998

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

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

Equalities Act 2010

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

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

10.317 It is considered the proposed development would not conflict with any of the above considerations. It is also considered that any impact in terms of fostering relations and advancing equality with regard to sex, race, religion and belief would be positive. In particular, the development, including access routes and buildings that would be accessible by persons with a disability requiring use of a wheelchair or persons with less mobility.

11 CONCLUSION

- 11.1 All relevant policies and considerations have been taken into account. It is recommended that the Committee resolves to inform the Mayor of London that planning permission for the redevelopment of 30 Marsh Wall should be refused for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS and the details set out in the RECOMMENDATIONS at Section 3 of this report.

Planning Application Site Map
PA/16/00477



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

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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