

Committee: Strategic	Date: 19 th January 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal Case Officer: Kirsty Flevill	Title: Application for Planning Permission Ref No: PA/16/01637- Full Planning Permission Ward: Canary Wharf
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1. APPLICATION DETAILS

Location: 54 Marsh Wall, London, E14 9TP

Existing Use: Banking hall (Class A2) at ground floor level with commercial office space (Class B1) above and ancillary car parking

Proposal: Demolition of the existing building and construction of two new linked buildings of 41 and 16 storeys (over double basement) comprising 216 residential units; two ground floor commercial units (Use Classes A1-A3, B1) totalling 174 sq. m GIA fronting on to Marsh Wall; basement car parking and servicing; and landscaped open space including a new pedestrian route linking Marsh Wall and Byng Street.

Drawing and documents: See appendix

Applicant: Daejan (FHNV 1998) Limited

Ownership: Applicant

Historic Building: None

Conservation Area: None

2. EXECUTIVE SUMMARY

- 2.1. The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.
- 2.2. The proposed redevelopment of this site for a residential-led mix use development is considered appropriate in this location as it falls within the Tower Hamlets Activity Area and allocation in the Isle of Dogs Opportunity Area.

- 2.3. to optimise the use of the land and as such, to be in accordance with the aspirations of the development plan policies.
- 2.4. The proposed tall building would be of an appropriate scale, form and composition for the surrounding context and townscape. They would be of high quality design, provide a positive contribution to the skyline and not adversely impact on strategic or local views.
- 2.5. The density of the scheme would not result in significantly adverse impacts typically associated with overdevelopment and there would be no unduly detrimental impacts upon the amenities of the neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The high quality accommodation provided, along with and external amenity spaces would create an acceptable living environment for the future occupiers of the site.
- 2.6. The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing. Taking into account the viability constraints of the site the development is maximising the affordable housing potential of the scheme.
- 2.7. Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.8. A strategy for minimising carbon dioxide emissions from the development has been proposed and a cash in lieu contribution has been agreed. Landscaping and biodiversity features are also proposed which seek to ensure the development is environmentally sustainable.
- 2.9. The scheme would be liable to both the Mayor's and the borough's community infrastructure levy. In addition, it would provide a necessary and reasonable planning obligation to local employment and training.

3. RECOMMENDATION

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

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

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

Financial Obligations:

- a) A contribution of £94,648 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £3,253.80 towards employment skills and training to access employment in the commercial uses within the final development (end use phase);
- c) A contribution of £39,996 towards carbon off-set initiatives
- d) A contribution of £100,000 towards local bus services
- e) A contribution of £8,500 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions **£246,397.80**

Non-financial contributions

- a) Delivery of 36% Affordable Housing comprising of 24 intermediate units, and 36 affordable rented units
 - b) Management Plan to safeguard access to play spaces
 - c) Management Plan regarding access/alternative strategy to basement wheelchair accessible parking bays
 - d) Viability review mechanism;
 - e) 22 wheelchair accessible bays and maintaining as wheelchair accessible bays
 - f) On street parking permit free for future residents;
 - g) 14 construction phase apprenticeships
 - h) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
 - i) Secure Public access route and areas of public realm including maintenance of these areas
 - j) Crossrail clause
 - k) Cycle parking management plan
 - l) Travel Plan
 - m) Implementation and monitoring of the carbon emission reductions (Energy Strategy);
- 3.2. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.3. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

Prior to Commencement' Conditions:

- 1. Construction Environmental Management plan;
- 2. Site wide drainage scheme and surface water measures (including green roof) in consultation with Thames Water;
- 3. Water Supply infrastructure in consultation with Thames Water
- 4. Ground contamination remediation and mitigation
- 5. Biodiversity mitigation and enhancements including 220sqm biodiverse roof details;
- 6. Energy strategy achieving 37% carbon reduction and connection to Barkantine
- 7. Piling Method Statement
- 8. Providing six weeks' notice of the commencement date prior to the commencement of works (as requested by DLR)
- 9. Providing adequate safety measures to ensure debris/equipment cannot fall or be blown on to the railway during demolition and construction (as requested by DLR)
- 10. Crane /lifting management plan (as requested by DLR)
- 11. Plans for proposed scaffolding in close proximity of the railway (as requested by DLR)
- 12. A radio impact survey (as requested by DLR)
- 13. Phasing plan

Prior to completion of superstructure works conditions:

- 14. Details of all external plant and machinery including air quality neutral measures;

15. Details of all external facing materials including balcony details and screening details (both samples and design specification). Details of screening at 14th floor level to connecting unit
16. Details of public realm enhancements, landscaping and boundary treatment;
17. Child play space strategy including access arrangements, management and equipment
18. Details of all external CCTV and lighting;
19. Details of extraction and ventilation for Class A3 uses
20. Waste Management Plan
21. Scheme of highway works surrounding the site (Section 278 agreement)
22. Secure by Design Accreditation
23. Details of electric vehicle charging points

Prior to Occupation' Conditions:

24. Details of all commercial unit shop fronts and entrances to ground floor public spaces;
25. Surface water management system
26. Full Delivery and servicing plan;
27. Details of cycle parking, access to cycle stores, design and associated facilities;
28. Wheelchair accessible residential units (22 units) – 11 affordable units, 11 private units
29. Delivery of BREEAM Excellent for commercial element of the scheme
30. Car Park Management Plan
31. Overheating analysis
32. Detailed design of the wind mitigation measures for the non-recessed balconies to ensure that wind conditions are acceptable for their intended use.

Compliance' Conditions –

33. Permission valid for 3yrs;
34. Development in accordance with approved plans;
35. Hours of construction
36. Hours of operation of commercial units
37. Maximum height of 142.940m AOD (northern tower) and 61.090m AOD (southern tower)
38. Refuse stores to be provided prior to occupation
39. Internal Noise Standards
40. External lights and any lights during construction must not shine on to DLR's railway tracks (as requested by DLR)
41. During construction and operation, communications should not interfere with radio signals for the operation of the railway (as requested by DLR)
42. Sustainability code 4 equivalent

Informatives

1. Subject to s278 agreement
2. Subject to s106 agreement
3. CIL liable
4. Thames Water informatives
5. DLR and noise mitigation responsibility

4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS

Proposal

- 4.1. The applicant is seeking planning permission for the comprehensive development of the site to provide two predominantly residential led mixed-use buildings. The northern tower fronting Marsh Wall will be 41 storeys high (142.940m AOD including lift motor room) and the southern tower will be 16 storeys high (61.090m AOD including lift motor room) fronting Byng Street above ground floor level. The two towers will be linked at the 14th storey level in the central part of the site.
- 4.2. The development comprises of the following uses:
- 216 residential units (class C3)
 - 174sqm (GIA) A1-A3 or B1 units
- 4.3. In relation to the 216 residential units, 36% of these would be affordable housing by habitable room. In dwelling numbers this will comprise 156 private units, 36 affordable rented units and 24 intermediate units. This provision is set out below, as well as the mix by tenure.

Number and Percentage of units and habitable rooms by tenure

	Number of units	%	Habitable Rooms	%
Open Market	156	72%	370	64%
Affordable rent	36	17%	150	26%
Intermediate	24	11%	62	10%
TOTAL	216	100%	582	100%

Dwelling numbers and mix by tenure

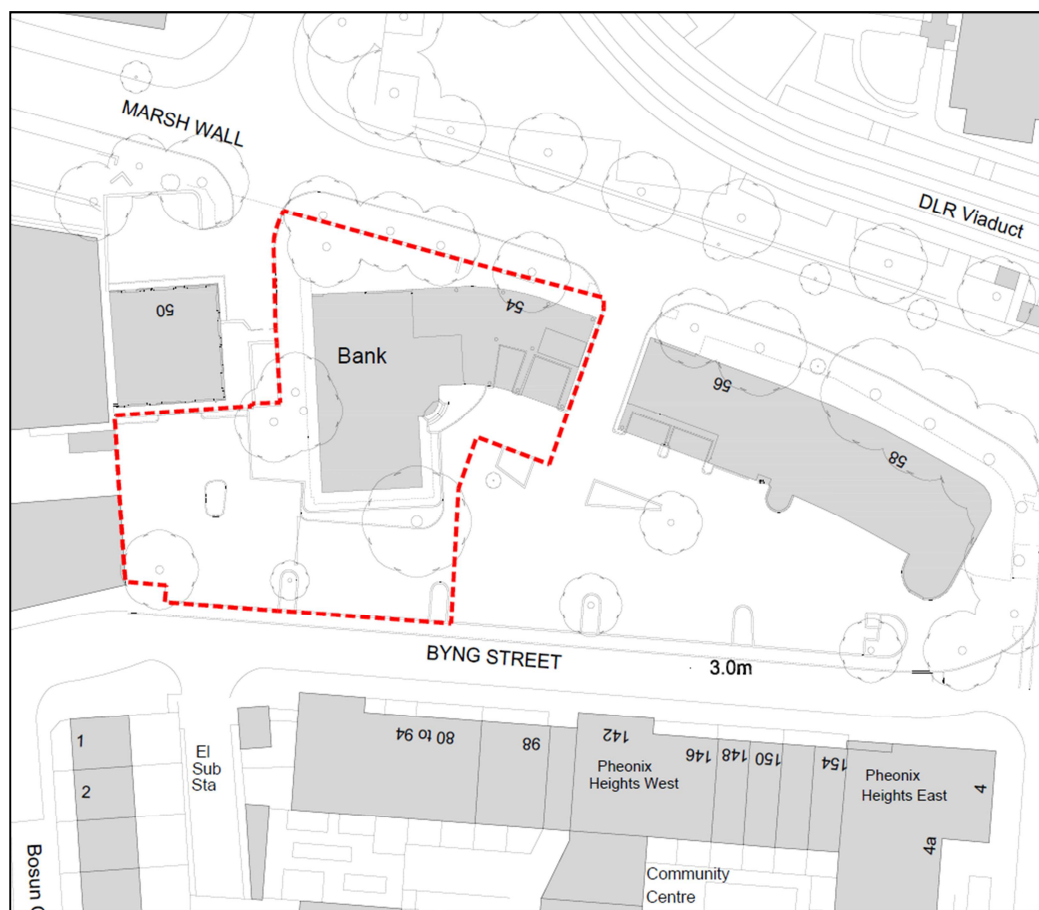
	Studio	1 bed	2 bed	3 bed	4 bed
Open Market	23	62	61	10	0
Affordable rent	0	8	8	10	10
Intermediate	0	10	14	0	0
TOTAL	23	80	83	20	10
Total as %	11%	37%	38%	9%	5%

- 4.4. The residential units are located across both towers and the linked element. The southern tower will accommodate all of the affordable housing units and the northern tower (plus linked element) will accommodate the private units. The residential units will be located at level three in the northern tower and from level two in the southern tower. Access to the northern and southern tower is provided from the north-south route to the east of the site adjoining the public route.
- 4.5. A large area of public realm is proposed to the north east of the site (measuring approximately 220m²) and a north south public route is proposed connecting Marsh Wall and Byng Street.
- 4.6. At ground floor level, two small commercial units will be provided to the north of the site fronting Marsh Wall. These will fall in the A1-A3 or B1 land use category. The retail units are both proposed with café spill out areas to provide additional activation to Marsh Wall and continue the street frontage with the Alpha Square scheme (which has a resolution to grant).

- 4.7. In terms of the child play space dedicated to the residents of the development, a total of 867m² is proposed located at ground floor, 1st floor, 2nd floor and roof top levels. This includes a large area of external playspace (measuring 245m²) located at ground floor level located adjacent to 50 Marsh Wall.
- 4.8. The proposal would also contain 2 basement levels containing wheelchair accessible parking, cycle parking, refuse provisions and plant. Access to the basement levels for vehicles is provided from Byng Street to the south of the site.

Site and Surroundings

- 4.9. The application site consists of an irregular inverted 'Z' shaped parcel of land which fronts Marsh Wall on its northern elevation and Byng Street on its southern elevation. The site has a site area of approximately 0.2 hectares inclusive of the public highway.
- 4.10. The following plan shows the extent of the application site outlined in red.



- 4.11. The existing uses across the application site is a three storey building comprising a banking hall (Class A2) at ground floor level with commercial office space (Class B1) above and ancillary parking area to the rear. The car parking area is accessed from Byng Street.
- 4.12. The site is bounded to the west by no 50 Marsh Wall which is currently occupied by a two storey Victorian Building which has been converted to offices occupied by the BUPA Wellness Centre.

4.13. The following is an aerial view from the north, looking south at the application site.



- 4.14. 50 Marsh Wall forms part of the Alpha Square development which has a resolution to grant planning permission by the GLA (with planning reference PA/15/02671). The proposal includes three towers of 20, 34 and 65 storeys in height. The 65 storey tower (217.5m AOD) and the 20 storey tower (79.63m AOD) will sit adjacent to the application site with the tallest tower fronting Marsh Wall. The larger northern tower will contain the residential units and the southern smaller tower will contain the hotel. The Alpha Square development straddles across Manilla Street to the west with the 34 storey tower located to the west of Manilla Street.
- 4.15. Directly to the north of the application site lies the elevated DLR line. The Arrowhead Quay (Wardian development) which consists of two 50 and 55 storey towers which are currently under construction lies to the west of this.
- 4.16. The site to the northwest is 40 Marsh Wall which has consent for a 39 storey hotel building. The hotel is built and at the time of writing this report is due to be operational imminently. Further to the west of the site lies the Landmark Towers ranging from 30-44 storeys.
- 4.17. To the east of the site lies 56-58 Marsh Wall which is occupied by an office unit similar to that at no. 54 Marsh Wall. Beyond these offices lies Mastmaker Road.
- 4.18. To the south of the application site on the southern side of Byng Street lies the Phoenix Heights development at the former no 4 Mastmaker Road. Phoenix Heights ranges from four storeys directly to the south of the application site and includes two taller buildings at 20 and 23 storeys to the south east of the application site. Further to the west of Byng Street the properties reduce to two

stories in height which gives a domestic character to the surrounding street and provide a sense of openness from the taller buildings along Marsh Wall.

- 4.19. The site does not fall within a conservation area. However, the land is located within a flood risk zone.

Designations

- 4.20. The site is within the London Plan's Isle of Dogs Opportunity Area which recognises it as a strategically significant part of London's world city offer for financial, media and business services. The designation identifies that by 2031 the area could accommodate an additional 110,000 jobs as well as a minimum of 10,000 new homes.
- 4.21. The site is identified as an Area of Regeneration in the London Plan and forms part of the Isle of Dogs Activity Area. The site is also located in the South Quay Masterplan area.
- 4.22. The site is located within Site Allocation 17 (Millennium Quarter) as per the Council's Local plan. The allocation envisages comprehensive mixed-use redevelopment to provide a strategic housing contribution and a district heating facility where possible. The Allocation states that developments will include commercial floorspace, open space and other compatible uses and advises that development should recognise the latest guidance for Millennium Quarter.
- 4.23. The site is within an Environment Agency designated Flood Zone 3 - land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, ignoring the presence of defences.
- 4.24. The site, as with the whole Borough, is within Air Quality Management Area and the London City Airport Safeguarding Zone.
- 4.25. The site is within the London Plan Views Management Framework (LVMF), of particular relevance is the view from the General Wolfe Statue in Greenwich Park and the wider Maritime Greenwich World Heritage Site.
- 4.26. The site is within the Crossrail Safeguarding Area as well as Crossrail SPG Charging Zone.

Relevant Planning History on the application site

Application Site

54-58 Marsh Wall

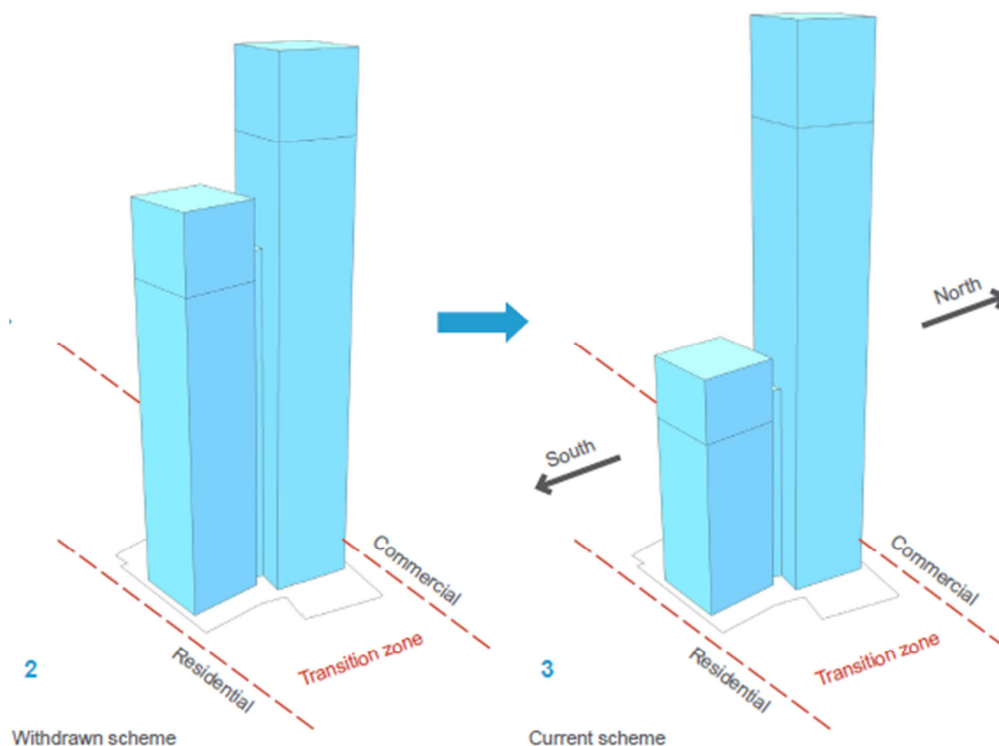
- 4.27. PF/12/00002 (pre-application) - Demolition of existing commercial buildings and comprehensive redevelopment of site. The design proposals currently provide for two residential towers of 40 and 30 storeys on the site at No. 54 Marsh Wall potentially incorporating 170-180 residential units and 110-120 residential units respectively (280-300 units in total). When combined with the adjoining site at No. 56-58 Marsh Wall the design proposal outlines the potential for a central block on the site ranging from 10-12 storeys and a further 20 storey residential building at the corner of Marsh Wall and Mastmaker Road.

54 Marsh Wall

- 4.28. PF/13/00166 (pre-application) - Demolition of existing commercial buildings and comprehensive redevelopment of site to provide a high density residential - led mixed use development consisting of two linked residential towers of 43 and 33 storeys comprising 271 residential units, 440sq.m of retail / commercial floor space, a 181sq.m business suite, internal communal and children's play space and associated plant, cycle storage and refuse areas at ground level with 18 car parking space within a single level basement.
- 4.29. PA/14/02418 - Demolition of the existing building and the construction of a new residential-led mixed use development consisting of two linked buildings of 29 and 39 storeys (with two additional basement levels) comprising 240 residential units (including on-site affordable housing), a new café (Use Class A3) and community facility (Use Class D1) at the ground level, basement car parking and servicing, landscaped open space and a new public pedestrian route linking Marsh Wall and Byng Street. This application was withdrawn on 03/07/2015.
- 4.30. An image of the withdrawn scheme is located below.



- 4.31. The following is a basic outline of the main change from the withdrawn on the left to the current proposal. The main change being a reduction in height from the southern tower and a slight increase in height of the northern tower.



- 4.32. PF/15/00221 (pre-application) - Demolition of existing building and construction of two new linked buildings of 41 and 16 storeys (with basement) comprising 218 residential units (including 60 affordable units), a new cafe(A3), community facility (D1), car parking and open space including new pedestrian route linking Marsh Wall and Byng Street.

Built/near Completion

- 4.33. "Pan Peninsula" has two buildings on 48 and 39 stories and contains 820 residential units along with retail, business and leisure uses.
- 4.34. "Landmark" has one building of 44 storeys, one building of 30 storeys and two buildings of eight storeys and contains 802 dwellings along with retail, business and community uses.
- 4.35. "40 Marsh Wall" PA/10/1049 granted 15th November 2010 for the demolition of the existing office building and erection of a 38 storey building (equivalent of 39 storeys on Manilla Street) with a three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); public open space, together with the formation of a coach and taxi drop-off point on Marsh Wall.
- 4.36. "Indecon Court" PA/13/01309 Planning permission granted on 23/12/2013 (originally granted 13/06/2008) for the demolition of the existing buildings on site and construction of a mixed use development comprising of two buildings. The main building ranges from 12 to 32 storeys with a maximum height of 95 metres (99.5 AOD) and a 10 storey 'Rotunda' building being a maximum height of 31.85 metres (36.15 AOD). Use of the new buildings for 546 residential units (Use ClassC3) (87 x Studios, 173 x 1 bedrooms, 125 x 2 bedrooms, 147 x 3 bedrooms,

14 x 4 bedrooms), 5,390sqm for hotel (Use Class C1) and /or Serviced Apartments (Sui Generis), 1,557sqm of Leisure floorspace (Use Class D2) and 1,654sqm commercial floorspace (Use Classes A1/A2/A3 and/or A4). Plus a new vehicle access, 150 car parking spaces in one basement level, public and private open space and associated landscaping and public realm works at ground floor level." Amendments proposed include: Minor elevational changes; Incorporation of retail unit (use class A1-A4) into ground floor of hotel;

- 4.37. "Baltimore Wharf" PA/06/02068, planning permission was granted by the Council for the "Redevelopment by the erection of 8 buildings 7 to 43 storeys to provide 149,381 sqm of floor space over a podium for use as 1057 residential units, 25,838 sqm of Class B1 (offices), a 149 room hotel; a 10,238 sqm. apart-hotel; a Class D1/D2 community facility of 1,329 sqm m, 2,892 sqm m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sqm m, associated car parking, landscaping including new public open spaces and a dockside walkway (Revised scheme following grant of planning permission PA/04/904 dated 10th March 2006)".

Consented / Implemented but not fully built out

- 4.38. "Riverside South" PA/07/00935 granted 22nd February 2008 for the erection of Class B1 office buildings (330,963 sqm) comprising two towers with a maximum of 45 storeys (max 241.1m and 191.34m AOD) with a lower central link building (89.25m AOD) and Class A1, A2, A3, A4 and A5 uses at promenade level up to a maximum of 2,367 sqm together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works (total floor space 333,330 sqm).
- 4.39. "City Pride" PA/12/03248 granted 10th October 2013 for the erection of residential-led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.
- 4.40. "Newfoundland" PA/13/01455 granted 10th June 2014 for erection of a 58 storey and linked 2 storey building with 3 basement levels to comprise of 568 residential units, 7 ancillary guest units (use class C3), flexible retail use (use class A1-A4), car and cycle parking, pedestrian bridge, alterations to deck, landscaping, alterations to highways and other works incidental to the proposal.
- 4.41. "Arrowhead Quay" PA/12/03315 planning permission granted on 19th February 2015 for the erection of two buildings of 55 and 50 storeys to provide 792 residential units (Use Class C3) and ancillary uses, plus 701 sqm of ground floor retail uses (Use Classes A1 -A4), provision of ancillary amenity space, landscaping, public dockside walkway and pedestrian route, basement parking, servicing and a new vehicular access.
- 4.42. "1-3 South Quay Plaza" PA/14/00944. Planning permission granted on 30th March 2015 for the demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential led mixed use buildings of up to 73 storeys and up to 36 storeys comprising up to 947 residential (Class C3) units in total and retail (Class A1-A4) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office

building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.

- 4.43. "Meridian Gate" PA/14/01428. Planning permission granted on 6th March 2015 for the demolition of all existing structures and the redevelopment of the site to provide a building of ground floor plus 53 storeys comprising of 423 residential apartments (use class C3) and circa 415sqm office (use class B1), 30 basement car parking spaces; the ground floor uses comprises an electricity sub-station, entrances for the office, affordable and private housing, basement access via car lift and cycle lifts, and circa 43sqm retail/cafe (use class A1/A3); public open space; and a single storey enclosure providing a secondary basement access.
- 4.44. Land at 2 Millharbour PA/14/01246. Planning permission granted on 4th September 2015 for the erection of seven mixed-use buildings—A, B1, B2, B3, C, D and E (a 'link' building situated between block B1 and D)—ranging in height from 8 to 42 storeys. New buildings to comprise: 901 residential units (Class C3); 1,104 sqm (GIA) of ground-floor mixed-use (Use Class B1/ A1/ A2/ A3/ A4/ D1); a 1,049 sqm (GEA) 'leisure box' (Use Class D2); plant and storage accommodation, including a single basement to provide vehicle and cycle parking, servicing and plant areas; new vehicle and pedestrian accesses and new public amenity spaces and landscaping.
- 4.45. "Hertsmere house" PA/15/02675. Planning permission granted on 24th March 2016 for the demolition of remaining buildings and structures and erection of a 67 storey building with two basement levels, comprising 861 residential units (Use Class C3), 949sqm (GIA) flexible commercial floorspace (Use Class A1-A3 and D2), ancillary circulation space and plant, as well as associated infrastructure, public realm and parking.
- 4.46. "Westferry Printworks" (235 Westferry Road) PA/15/02216. Planning permission granted by the GLA on 4th August 2016 for the demolition of existing buildings and structures at the former Westferry Printworks site and the comprehensive mixed use redevelopment including buildings ranging from 4- 30 storeys in height (tallest being 110m AOD) comprising: a secondary school (Class D1), 722 residential units (Class C3), retail use (Class A1), flexible restaurant and cafe and drinking establishment uses (Class A3/A4), flexible office and financial and professional services uses (Class B1/A2), Community uses (Class D1), car and cycle basement parking, associated landscaping, new public realm and all other necessary enabling work (Amended description of development).
- 4.47. Land at 3 Millharbour and Land at 6,7 and 8 South Quay Square PA/14/03195. Planning permission granted on 30th September 2016 for the demolition and redevelopment of sites at 3 Millharbour and 6, 7, and 8 South Quay with four buildings: Building G1, a podium with two towers of 10 - 38 storeys and of 12 - 44 storeys; Building G2, a four floor podium with two towers of 34 and 38 storeys inclusive of podium; Building G3, a tower rising to 44 storeys; and Building G4, a four floor podium with a tower of 31 storeys inclusive of podium. The development provides 1,500 new homes in a mix of units and tenures (private, social-rented and intermediate); a new primary school with nursery facilities; further education uses (total D1 floorspace 13,525 sqm with a fall back that 4,349 sqm of this floorspace could also be used in full or part as D1 or D2 leisure floorspace, if necessary); 5,820 sqm of flexible commercial floorspace (B1/D1/D2/A1/A2/A3 and/or A4); two new public parks including play facilities, a new north-south pedestrian link and

landscaping including works to conjoin the plots into the existing surrounding urban fabric; car parking spaces (for residential occupiers, blue badge holders and for a car club); cycle parking; management offices; service road and associated highway works; and other associated infrastructure including the diversion of the Marsh Wall sewer.

Under consideration

- 4.48. "Cuba Street" PA/15/02528. Redevelopment to provide a residential-led mixed use development comprising two buildings of up to 41 storeys (136m AOD) and 26 storeys (87m AOD) respectively to provision up to 448 residential units, 38 m2 flexible retail/ community uses and ancillary spaces together with public open space and public realm improvements.
- 4.49. "225 Marsh Wall" PA/16/02808. Full planning application for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storey (maximum AOD height 163.08m) comprising 336 residential units (Use Class C3); 810 square metres of community floorspace (use class D1); 79 square metres of flexible retail/restaurant/community (Use Class A1/A3/D1), basement cycle parking; resident amenities; public realm improvements; and other associated works.

Resolution to Grant (subject to completion of a s106 legal agreement)

- 4.50. "South Quay Plaza 4" PA/15/03073. Erection of a 56 storey building comprising of 396 Residential (Class C3) Units, Community Use (Class D1) together with basement, ancillary residential facilities, access servicing, car parking, cycle storage, plant, open space and landscaping and other associated works. (Amended Description). Recommended for approval at Strategic Development Committee on 28th July 2016.
- 4.51. "Alpha Square", 50 Marsh Wall, 63-69 And 68-70 Manilla Street PA/15/02671. Application for demolition of all buildings on site at 50 Marsh Wall, 63-69 and 68-70 Manilla Street to enable redevelopment to provide three buildings of 65 (217.5m AOD), 20 (79.63m AOD) and 34 (124.15m AOD) storeys above ground comprising 634 residential units (Class C3), 231 hotel rooms (Class C1), provision of ancillary amenity space, a new health centre (Class D1), a new school (Class D1), ground floor retail uses (Class A3), provision of a new landscaped piazza, public open space and vehicular access, car parking, cycle storage and plant. Retention of 74 Manilla Street as North Pole public house (Class A4). Resolution to grant by the GLA on 27th April 2016.

5. POLICY FRAMEWORK

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:
- 5.3. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (March 2012) (NPPF)
National Planning Guidance Framework (March 2014) (NPPG)

5.4. **Spatial Development Strategy for Greater London - London Plan 2016 (MALP)**

Policies

- 2.1 London
- 2.9 Inner London
- 2.10 Central Area Zone
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual 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
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 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
- 7.21 Trees and woodland
- 7.26 Blue Ribbon network and freight
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

5.5. Tower Hamlets Core Strategy (adopted September 2010) (CS)

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

5.6. Managing Development Document (adopted April 2013) (MDD)

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

5.7. **Supplementary Planning Documents include**

South Quay Masterplan SPD (October 2015)
Central Activities Zone SPG (March 2016)
Planning Obligations SPD (September 2016)
CIL Charging Schedule (April 2015)
Sustainable Design and Construction SPG (April 2014)
Shaping Neighbourhoods: Character and Context (June 2014)
Housing Supplementary Planning Guidance (March 2016)
Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (March 2016)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
London View Management Framework SPG (March 2012)
London World Heritage Sites - Guidance on Settings SPG (March 2012)
SPG: Planning for Equality and Diversity in London (October 2007)
SPG: Accessible London: Achieving an Inclusive Environment (April 2004)
Affordable Housing and Viability Supplementary Planning Guidance (Draft 2016)

5.8. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

A Great Place to Live
A Prosperous Community
A Safe and Supportive Community
A Healthy Community

5.9. **Other Material Considerations**

EH Guidance on Tall Buildings
Seeing History in the View
Conservation Principles and Practice

6. CONSULTATION RESPONSE

6.1. The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2. The following were consulted regarding the application:

Internal Responses

LBTH Environmental Health - Contaminated Land

6.3. Environmental Health Contaminated Land has reviewed the submitted information and considers there is a possibility for contaminated land to exist. A condition is recommended to ensure any contaminated land is appropriately dealt with. The suggested condition would be secured should planning permission be granted.

LBTH Environmental Health - Air Quality

6.4. The Air quality officer is satisfied with the information provided.

6.5. The air quality assessment shows that the development will have a negligible impact on the local air quality and that the development meets the air quality neutral requirements.

- 6.6. The assessment also shows that in the opening year some units will be subject to existing elevated pollution levels exceeding the NO2 air quality objective, mitigation will be required for the units shown to be exceeding or nearing the annual NO2 objective.
- 6.7. Further information has been submitted by the applicant which seems reasonable as the residential units in the highest polluted location would not start until the 3rd floor where the pollution levels are lower and should be at an acceptable level.
- 6.8. The construction assessment is accepted, relevant dust and emissions mitigation must be included in a Construction Environmental Management Plan, along with a program for dust monitoring. All on site non road mobile machinery must comply with the GLA's emission limits for Non Road Mobile Machinery.

LBTH Environmental Health – Noise and Vibration

- 6.9. No comments received; however, this is discussed further in the 'noise' section of the report.

LBTH Refuse

- 6.10. No comments received; however, this is discussed further in the 'waste' section of the report.

LBTH Highways

- 6.11. There are some further details to be provided but in principle there are no objections to the application.
- 6.12. Highways have advised in terms of car parking, 22 car parking spaces are proposed over two basement levels accessed by a single car lift from Byng Street. All these spaces are for the sole use of registered blue badge holders of this development and this is welcomed. This should be secured by condition. The spaces should be made available to all tenures. A tracking diagram is required to show that vehicles can enter / exit the car park in forward gear from all parking spaces. The applicant proposes a management regime to ensure that vehicles do not wait on Byng Street to enter the car park and this is acceptable. A car Parking Management Plan will be required by condition outlining this and to provide details of maintenance of the lift to ensure that the sole lift is in operation continuously.
- 6.13. The applicant will be required to enter into a Permit Free agreement which restricts all future residents from applying for parking permits in the surrounding controlled parking zone on the public highway.
- 6.14. The applicant proposes to provide cycle parking to the minimum FALP standards
- 6.15. The cycle storage facilities and associated changing / showering facilities should be conditioned.
- 6.16. It is proposed that refuse is collected from a shared surface area in the proposed public realm. This is acceptable as it removes the need for refuse vehicles to wait for 90 mins plus on the public highway, which could cause obstruction / congestion. Servicing of the commercial units will also take place from this area. General servicing, such as home deliveries will take place within the legal framework on the existing yellow lines on Byng Street. A draft service management plan has been

submitted and this is accepted but a full detailed plan will be required as a condition. Vehicles will be required to reverse to access this area which is not something we would encourage. However, it is accepted that this is a constrained site and that the applicant has worked with us to try and find a solution. A Stage 1 safety audit has also been carried out to assess the access arrangements.

- 6.17. The site will be opened up in comparison to the existing site with through pedestrian access provided from Byng Street to Marsh wall. This is welcomed. A raised table in Byng Street is proposed to further improve pedestrian access from the south and this will be subject to detailed design via the s278 process. All costs for this and necessary changes to utilities etc will be met by the applicant. The proposed changes to Byng Street with regards access arrangements to the car park and service area, as well as improvements to the public highway adjacent to the site will also form part of the S278 agreement.
- 6.18. The trip generation methodology used is acceptable. TfL has raised the issue of capacity on Marsh Wall bus routes and mitigation is expected to cover this. The applicant needs to consider the demolition and construction phases of this development at an early opportunity and to consider the other developments along Marsh Wall in order to consider the cumulative impacts. A robust plan will be required as a condition to any planning permission granted and needs to be supplied in good time to allow assessment and approval before any works begin. A draft Travel Plan has been submitted and a full one needs to be provided prior to occupation.

Conservation and Design Advisory Panel (CADAP)

- 6.19. The application was presented to CADAP on 12th September 2016. The Panel made a number of comments and expressed reservation on a number of issues as listed below.
- Questioned concept of applying the architectural language of office buildings to the residential development.
 - The principle of five tiers of the building reflecting the internal flat typologies was considered a sound approach, this needed to be articulated on elevations.
 - Considered the appearance of the building's base fragmented and confused.
 - Found the design of vertical mullions incongruous, particularly in the areas with recessed balconies, ground and top of the building.
 - It was suggested that the palette of different metallic finishes should be simplified – as the number of different colour combinations risks appearing overly busy and garish, particularly for a residential context.
 - The Panel recommended reduction in height of the link to improve perception of bulk and address problems with quality of accommodation.
 - The Panel agreed that some enclosure and good overlooking might be actually suitable for the play space for small children.

Occupational Therapist (OT)

- 6.20. Plans at 1:50 scale have been reviewed by the OT officer. There are 11 wheelchair accessible units from 5th -15th floor in the affordable block which have been assessed, and further clarification was sought from OT which has since been provided

Ideas Store

- 6.21. No comments received

LBTH Communities, Localities and Culture (CLC)

- 6.22. No comments received

Infrastructure Planning

- 6.23. No comments received

Public Health

- 6.24. No comments received

Education development team

- 6.25. No comments received

LBTH Arboricultural Officer

- 6.26. The Arboricultural officer has suggested a range of conditions which would be secured if planning permission is granted. These conditions include details of the planting scheme (including replacement of lost trees), provision of a method statement (prepared by an arboricultural consultant who is registered with the Arboricultural Association), tree protection for the duration of the development (which must be an arboricultural consultant who is registered with the Arboricultural Association) and tree protection measures in accordance with the approved plans and method statement.

Sustainable Urban Drainage (SUDS) officer

- 6.27. The SUDS officer advises that the Flood Risk Assessment (FRA) is acceptable and they have no objections to the proposed development.
- 6.28. .
- 6.29. The FRA proposes 730m² green roofs and roof garden in combination with 50m³ of subsurface attenuation. The exact combination of these measures is yet to be determined, however, the proposals in principle comply with London Plan Policy 5.13 and local policy the details should be secured via an appropriate planning condition.
- 6.30. The applicant subsequently submitted a typical inspection regime for the maintenance of the proposed SuDS and it is expected this followed through with as this is matter that is regularly overlooked and as a result poorly maintained systems lead to increase flooding problems in the future. To ensure compliance with surface water drainage requirements this should be appropriately conditioned.

Emergency Planning officer

- 6.31. No comments received.

External responses

Crossrail Limited

- 6.32. Crossrail Limited does not wish to make any comments on this application.

National Air Traffic Services (NATS)

- 6.33. No objection to the proposal

Natural England

- 6.34. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites. The Standing Advice should be followed in terms of assessing the impact on protected species.

Canal and Rivers Trust (CaRT)

- 6.35. The Canal and River Trust has no comment to make on the application

Historic England

- 6.36. Do not wish to comment on this application. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

London City Airport (LCY)

- 6.37. LCY has no safeguarding objection subject to a condition regarding not erecting cranes until construction methodology and details of the use of cranes (in relation to location, maximum height and start/finish times) have been submitted to London City Airport for approval.

English Heritage Archaeology (EHA)

- 6.38. EHA have advised that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are considered necessary.

Port of London (PLA)

- 6.39. The PLA has no objection in principle to the proposed development.
- 6.40. There is little consideration within the 'Travel Plan' regarding the promotion of river based transport which would accord with the River Action Plan (February 2013) which outlines specific measures to boost the number of river trips.
- 6.41. Further consideration should be given to the use of the River Bus prior to the determination of the planning application. However, if the LPA are minded to grant planning permission, information on the measures to encourage the river bus use, the provision of targets for river bus use and the timetable for the River Bus stop should be provided by condition.
- 6.42. Additionally, given the location of the development it is disappointing that the ES and transport related documentation do not consider the potential role that the river can play in the transportation of construction materials to (and waste materials from) the application site. It is noted that the application site is not immediately adjacent to water; however, the use of river transport could significantly reduce the

number of HGV Movements during the construction phase of the development, reducing the carbon footprint of the development. Local and national planning policy has an emphasis on developments which are in close proximity to navigable waterways to maximise water transport for bulk materials particularly during the construction and demolition phase. Further consideration is requested in this regard.

Environment Agency (EA)

- 6.43. The EA have no objections to the proposal.
- 6.44. EA noted 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, our flood modelling shows that it is at risk if there was to be a breach in the defences or they were to be overtopped.
- 6.45. This proposal does not have a safe means of access and/ or egress in the event of flooding from all new buildings to an area wholly outside the floodplain. The local authority should assess the adequacy of the evacuation arrangements.
- 6.46. To improve flood resilience, we recommend that finished floor levels are set above the 2100 breach level which is 3.13mAOD.

London Fire and Emergency Planning Authority

- 6.47. Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation; however, they do appear adequate. In other respects this proposal should conform to the requirements of part B5 of Approved Document B.

Secure By Design

- 6.48. No objection to the scheme proceeding as outlined. SBD would recommend that the scheme should by means of a condition achieve Secured by Design accreditation which would be formally acknowledged upon a final inspection once all works are complete.
- 6.49. The reason for this is to reinforce the committed approach and interest in the long term sustainability of both security and crime prevention measures throughout the development for the benefits of all future residents.

Docklands Light Railway.

- 6.50. The proposed development is within close proximity of the Docklands Light Rail (DLR).
- 6.51. DLR have stated that they have some concerns regarding the demolition and temporary works proposed and request a range of conditions which will be attached to the decision notice. These conditions include:
 - providing six weeks' notice of the commencement date prior to the commencement of works,
 - provision of adequate safety measures to ensure that debris/equipment cannot fall or be blown on to the railway during demolition and construction
 - Crane /lifting management plan

- Plans for proposed scaffolding in close proximity of the railway must be agreed prior to works
 - A radio impact survey is required prior to commencement of works
 - During construction and operation, communications should not interfere with radio signals for the operation of the railway.
 - The external lights and any lights during construction must not shine on to DLR's railway tracks
- 6.52. DLR also request that an informative is attached to the decision notice regarding the noise targets and mitigation from the existing railway being the applicant's responsibility

TFL London Underground

- 6.53. Response received confirming no comments to make on this application.

Thames Water Utilities Ltd.

- 6.54. Thames Water have advised there are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.
- 6.55. Thames Water has recommended an informative advising of the minimum pressure for water that they would be able to supply for future residents.
- 6.56. Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Conditions recommended securing the following:

- Details of any impact piling
- A site draining strategy
- Impact study of the existing water supply infrastructure determining magnitude of any additional capacity and suitable connection point.

Greater London Authority/ Transport for London

- 6.57. The Mayor considered the application at Stage 1 on 5th September 2016.
- 6.58. The site lies within the Isle of Dogs and South Poplar Opportunity Area as identified in the London Plan and articulated through policy 2.13 and table A1.1. The site is not identified for employment use within the London Plan. The proposed mixed use development to include housing and small scale retails uses is strongly supported in accordance with strategic planning policy.
- 6.59. The Council was informed that the application does not comply with the London Plan but possible remedies could address the following deficiencies:

- **Housing:** The affordable housing should be increased and GLA officers will work with the Council to robustly assess viability with a view to increasing the level of affordable housing.
- **Urban design:** There are significant concerns over the ground floor layout and quality of public realm that need to be addressed.
- **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.
- **Air Quality** the full results of the Air Quality Impact Assessment should be presented and mitigation measures should be proposed for parts of the development that are exposed to poor air quality.
- **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 £100,000 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.

6.60. Other comments from the GLA and TfL include:

- **Housing Mix** Given that family housing has been prioritised within the affordable element, in accordance with strategic policy, the mix is acceptable.
- **Density** The application includes the provision of public realm and high quality residential units; however, there are strategic concerns relating to layout and public realm quality that need to be resolved before the density of the development can be considered acceptable.
- **Housing Quality and Design** The residential flats comply with the London Plan and national standards.
- **Child Play Space** The quantum will comply with the benchmarks in the Mayor's SPG and is supported but the applicant should demonstrate that the roof terraces are fully useable. The applicant should enter into a management plan (secured through the s106) to ensure the internal spaces are safeguarded for residents of the scheme.
- **Layout** The provision of a north south route through the site linking Marsh Wall and Byng Street is strongly supported and is the key contribution of this scheme to its wider surroundings.
- **Architectural Treatment** To ensure the quality of the building's appearance and durability of the scheme, design detailing and materials should be secured by condition.
- **Height, heritage and Strategic views** The scale of the proposal would be in keeping with the surrounding context and the emerging cluster in South Quay and would not harm the setting of this important heritage asset.
- **Inclusive design** Conditions should secure the compliance with Building Regulations M4(2) and M4(3).
- **Flood Risk** The FRA also confirms the site has a low risk of surface water flooding. The development will be designed to reduce the surface water run-off from the site to greenfield rates through green roofs and an attenuation tank. This is acceptable and should be secured by way of condition.
- **Crossrail** TfL confirms that no Crossrail charge is due.

6.61. No comments received from the following consultees:

- Isle of Dogs Neighbourhood Planning Forum
- Royal Borough of Greenwich
- Hackney Council
- Newham Council
- Southwark Council
- London Bus Services Ltd.
- The Twentieth Century Society
- The Greenwich Society
- National Grid

7. LOCAL REPRESENTATION

7.1. A total of 224 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site by way of a site notice and advertised in the local press.

7.2. No letters of representation were received on the submission.

8. MATERIAL PLANNING CONSIDERATIONS

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

- The Environmental Impact Assessment
- Land Use
- Density / Quantum of Development
- Design
- Housing
- Amenity Space and Public Open Space
- Neighbouring Amenity
- Highways and Transportation
- Waste
- Energy and Sustainability
- Environmental Considerations (biodiversity, noise and vibration, air quality, microclimate, contaminated land, flood risk, television and radio reception, health)
- Impact on Local Infrastructure and facilities, Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

Environmental Impact Assessment

EIA Regulations

8.2. The Proposed Development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as an 'urban development project' and is likely to have significant effects on the environment.

8.3. Regulation 3 of the EIA Regulations prohibits granting planning permission unless prior to doing so, the relevant planning authority has first taken the 'environmental information' into consideration, and stated in their decision that they have done so.

- 8.4. The 'environmental information' comprises the applicant's Environmental Statement (ES), including any further information and any other information, and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

EIA Scoping

- 8.5. A request for an EIA Screening Opinion was submitted to LBTH on 17th September 2013 to seek a formal opinion as to whether an ES would be required (with planning reference PA/13/02238). It should be noted that this request was based on the previously withdrawn proposal (PA/14/02418).
- 8.6. Subsequent to this, an EIA Scoping Report was submitted to LBTH on 1st May 2014 to seek a formal EIA Scoping Opinion (with planning reference PA/14/01145). A formal EIA Scoping Opinion was issued by LBTH on 12th June 2014 and the EIA was informed by this document.

Environmental Information

- 8.7. The ES was submitted by the applicant with the full planning application. The ES assessed the effects on the following environmental receptors (in the order they appear in the ES):
- Construction and Development Programme
 - Waste and Waste Management
 - Socio economic impact
 - Transport
 - Noise and vibration
 - Air quality
 - Water resources and flood risk
 - Soil, ground contamination and water resources
 - Archaeology
 - Wind microclimate
 - Ecology
 - Daylight, sunlight and overshadowing
 - Energy and carbon dioxide emissions
 - Cumulative effects
- 8.8. To ensure the reliability of the ES, the Council appointed EIA consultants, Land Use Consulting (LUC), to review the ES and to confirm whether it satisfied the requirements of the EIA Regulations (2011). Where appropriate, reference was made to other relevant documents submitted with the planning application.
- 8.9. LUC's review identified a number of clarifications and potential requests for 'further information' under Regulation 22 of the EIA Regulations. The applicant was issued with a copy of LUC's review.
- 8.10. In response to this, the applicant provided additional information which sought to address the identified clarifications.
- 8.11. Since the submission of the application, additional wind tunnel testing has been submitted. This was considered to be 'further information' under Regulation 22 of the EIA regulations, and was processed and consulted as required by the EIA

Regulations. Consultation ended on 5th January 2017 and consultation comments received up to and including this date have been detailed in this committee report.

- 8.12. With respect to the additional wind tunnel testing, a suitably worded condition will be required to ensure that the necessary wind mitigation is implemented, and that this is monitored prior to occupation to ensure that it is as assessed. This will be conditioned should planning permission be granted.
- 8.13. LBTH's EIA consultants have reviewed the environmental information, and a Final Review Report (FRR) was produced. This confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.
- 8.14. The ES, other relevant documentation submitted with the planning application, clarification information, consultation responses and representations duly made by any other persons constitute the 'environmental information' which has been taken into account when writing this recommendation and is required to be taken into account when arriving at a decision on this planning application.
- 8.15. This application is for full planning permission. The contents and conclusions of the ES are based on the proposals illustrated in the Application drawings and discussed within ES Chapter 3: Description of Development (along with site baseline surveys; quantitative/qualitative assessment methodologies; and the specialist knowledge of the consulting team).
- 8.16. The ES, publicly available on the planning register, identifies the likely significant environmental effects (adverse and beneficial) from the construction phase (including demolition and other associated site preparation activities) and operation of the proposed development, before and after mitigation. The significance of the likely effects has been determined from the sensitivity of the receptor and the magnitude of the change.
- 8.17. Where adverse Environmental effects have been identified, appropriate mitigation measures have been proposed. Were the application to be approved, mitigation measures could be secured by way of planning conditions and/or planning obligations as appropriate.

Land use

General Principles

- 8.18. This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.
- 8.19. At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected to significantly boost the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.

- 8.20. The scheme proposes the following land uses - residential flats and commercial units (A1-A3 or B1) at the lower floor levels. In terms of land use designations, the application site is located in the Canary Wharf Activity Area, the Millennium Quarter site allocation, the Isle of Dogs and Poplar Opportunity Area and is located in the South Quay Masterplan area.
- 8.21. The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised.
- 8.22. The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1) which recognises it as a strategically significant part of London's world city offer for financial, media and business services. The designation identifies that by 2031 the area could accommodate an additional 110,000 jobs as well as a minimum of 10,000 new homes. The Isle of Dogs Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.
- 8.23. Policies 1.1, 2.10, 2.11 and 2.13 of the London Plan seek to promote the contribution of the Isle of Dogs to London's world city role. The London Plan states that development in the Isle of Dogs Opportunity Area should complement the international offer of the Central Activities Zone and support a globally competitive business cluster.
- 8.24. In terms of site allocations, the application site is located within Site Allocation 17 (Millennium Quarter) of the Council's Local Plan. The allocation envisages mixed-use development in the area to provide a 'strategic housing component' and seeks to ensure development includes commercial space, open space and other compatible uses. The development is within the Tower Hamlets Activity Area where a mix of uses is supported, with active uses on the ground floor.
- 8.25. The South Quay Masterplan SPD sets out the vision for the South Quay area which is to create a thriving dockside urban neighbourhood of varied densities integrated with the wider area and home to a diverse community.
- 8.26. Finally, it should be noted that Canary Wharf and the north of the Isle of Dogs is designated as per the recently adopted Central Activities Zone SPG (adopted March 2016). The SPG seeks to protect the designated CAZ and seeks to ensure its long term role as a globally important centre of commerce and culture but also strike a balance between its strategic function for office development and local activities such as housing. The SPG identifies the commercial core to the north of the Isle of Dogs as an area which is not appropriate for residential development (the POL) and secures mixed use development and housing within the wider Activity Area including the north Isle of Dogs Opportunity Area.

Loss of employment

- 8.27. The existing land uses on 54 Marsh Wall is an A2 banking hall (231sqm GIA) at ground floor level and B1 office floorspace (904 sqm GIA) at the two upper floor levels totalling 1,135sqm GIA.
- 8.28. Managing Development Document Policy (DM15) (Local job creation and investment) paragraph 1 states 'the upgrading and redevelopment of employment sites outside of spatial policy areas will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for

approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition’.

- 8.29. 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. Table A1.1 of the London Plan (2016, MALP) specifically states ‘Parts of the area have significant potential to accommodate new homes and there is scope to convert surplus business capacity south of Canary Wharf to housing and support a wider mix of services for residents, workers and visitors’.
- 8.30. As noted previously, the site forms part of the Millennium Quarter site allocation. The applicant has not provided suitable replacement accommodation for the existing business to be displaced. The supporting text to policy DM15(1) contained in paragraph 15.4 states that a specific approach is required to help deliver site allocations and their component strategic infrastructure uses. The supporting text states that DM15(1) does not apply to sites located within site allocations. Given the site’s designation within the Millennium Quarter site allocation, policy DM15(1) does not apply in this instance. It is also noted that the site is not identified as a strategic or local employment site which would need to be retained.
- 8.31. The loss of the existing employment uses is therefore considered to be generally acceptable in this instance due to the site’s location within the South Quay Masterplan, the introduction of commercial uses (and associated active frontages) and the public benefits of the scheme including affordable housing. In addition, there will be a small level of employment generated from the proposed commercial units.

Residential development

- 8.32. The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “.... housing applications should be considered in the context of the presumption in favour of sustainable development” and “Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.”
- 8.33. London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) states the Mayor is seeking the maximum provision of additional housing in London.
- 8.34. Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931 units whilst the housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025.
- 8.35. The proposed development would provide 216 residential units as part of a mixed use scheme.
- 8.36. The introduction of a residential development on site is considered acceptable in principle, subject to the assessment of the relevant planning considerations discussed later in this report.

Provision of Commercial Uses (A1-A3 or B1)

- 8.37. The applicant has applied for a range of flexible uses for the two commercial units facing Marsh Wall which measure 174sqm GIA. The retail units are located at ground floor level and the western retail unit will also have access to a first floor terrace which is indicated on the plans for a café space. The two retail units have been identified on the plans as having possible spill out spaces for tables and chairs at ground floor level.
- 8.38. The NPPF classifies a Retail Use as a main town centre use and requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
- 8.39. London Plan Policy 4.7 (Retail and Town Centre Development) states that in taking planning decisions on proposed retail and town centre development, the following principles should be applied:
- a) the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment
 - b) retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport
- 8.40. Core Strategy Policy SP01 (Refocusing on our town centres) requires developments to comply with the Town Centre Hierarchy and ensure the scale and type of uses within town centres are consistent with the hierarchy, scale and role of each town centre.
- 8.41. Development Managing Document Policy DM1 (Development within the town centre hierarchy) part 2 states that 'within the Tower Hamlets Activity Areas (THAA), a mix of uses will be supported. Development in these areas should provide a transition between the scale, activity and character of the CAZ and Canary Wharf major centre and their surrounding places. Development proposals should be mixed use schemes with active uses at ground floor level with residential or office space on upper floors. Key anchor uses, such as supermarkets and civic uses, will only be allowed within the town centre boundaries of the Activity Areas.
- 8.42. Further to this, part 4 of Policy DM1 states to further support the vitality and viability of town centres, restaurants, public houses and hot food takeaways (Use Class A3, A4 and A5) will be directed to the CAZ, THAA and town centres provided that:
- a) they do not result in an overconcentration of such uses; and
 - b) in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.
- 8.43. Whilst part 7 of Policy DM1 states development within a town centre will be supported where it does not have an adverse impact upon the function of a town centre use. Town centre development will need to demonstrate that:
- a) adequate width and depth of floorspace has been provided for the town centre uses;
 - b) a shop front has been implemented in the first phase of development; and
 - c) appropriate servicing arrangements have been provided.

- 8.44. The proposed commercial uses (A1-A3, B1) would be located within the Isle of Dogs Opportunity Area and Tower Hamlets Activity Area (which forms part of the Town Centre Hierarchy). Should the uses come forward within the A1-A3 land use category, the scale of the use at 174qm GIA would relate to the size, function and role of the THAA. The active use would be located at ground floor level (and also at first floor level directly adjoining Alpha Square) as part of a wider mixed use development scheme. The proposed uses would also support the vitality and viability of the THAA and complement other retail uses coming forward at Arrowhead Quay and at 40 Marsh Wall.
- 8.45. In terms of the potential use of the commercial units as B1 office units, DM15(3) of the MDD details that the development of new employment floorspace will need to provide a range of flexible units including units less than 250 sqm and less than 100 sqm to meet the needs of Small and Medium Enterprise (SME).
- 8.46. Given the site's allocation in the Canary Wharf Activity Area, the potential for these two units to come forward as individual offices of less than 250sqm which could potentially target SME's is welcomed in line with the design and landuse principles of the South Quay Masterplan and the aspirations of DM15(3) of the MDD.

Density / Quantum of Development

- 8.47. Policies 3.4 of the London Plan (MALP 2016) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.48. The London Plan (policy 3.4 and table 3.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 8.49. The site's location (setting) is within an Opportunity Area and is within easy access of Canary Wharf Major Centre and the globally significant office cluster in Canary Wharf across South Quay footbridge. Accordingly, the site is 'centrally located' for the purposes of the London Plan Density Matrix. The site's public transport accessibility is PTAL 4.
- 8.50. The Planning Statement states that the density of the development is 2,910 habitable rooms per hectare. Officers have calculated the residential density of the proposal to be 2,933 habitable rooms per hectare, substantially higher than the London Plan.
- 8.51. London Plan policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment. The London Plan Housing SPG (2008) also states that sufficient flexibility for such higher density schemes to be supported and as such, the density matrix whilst detailed in the London Plan, is to be applied flexible rather than mechanistically.
- 8.52. The proposed density of 2,933 hr/ha however would be greater than the London Plan density range of 650 to 1,100 hr/ha stated within the density matrix.

- 8.53. The SPG advises at paragraph 1.3.51 that in appropriate circumstances, it may be acceptable for a particular scheme to exceed the ranges in the density matrix, providing important qualitative concerns are suitably addressed. However, to be supported, schemes which exceed the ranges in the matrix must be of a high design quality and should be tested against the following considerations:
- the factors outlined in Policy 3.4, including local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;
 - 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 the housing quality standards set out in Part 2 of this SPG;
 - 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 in a scheme, 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 (eg. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites).
- 8.54. Paragraph 1.3.52 goes on to state that where these considerations are satisfactorily addressed, the London Plan provides sufficient flexibility for such higher density schemes to be supported.
- 8.55. South Masterplan policy SQ1 (Housing Density) also states development seeking to exceed London Plan housing densities should:
- a. robustly demonstrate:
 - how it successfully mitigates its impacts; and
 - how it delivers the vision, principles and guidance of the South Quay 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.
- 8.56. An interrogation of this proposal against these standards in the London Plan Housing SPG is set out in the following sections of this report.

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 / Arrowhead Quay) 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. Officers are supportive of the overall design
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

- 8.57. As detailed in this report, officers consider that the proposal would optimise the development potential of the site rather than resulting in overdevelopment that is inconsistent with strategic policy.

Design

Policies

- 8.58. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.59. National Planning Practice Guidance sets out seven qualities a well-designed new or changing place should exhibit:-
- be functional;
 - support mixed uses and tenures;
 - Include successful public spaces;
 - be adaptable and resilient;
 - have a distinctive character;
 - be attractive; and
 - encourage ease of movement
- 8.60. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 8.61. Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.62. Policy DM26 requires that building heights are considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations.
- 8.63. The South Quay Masterplan provides design guidance in the form of overarching place making principles which include:
1. Housing design (SQ1 & SQ3)
Development should deliver exemplary sustainable housing design to meet the needs of residents, Registered Providers of affordable housing and service providers.
 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.

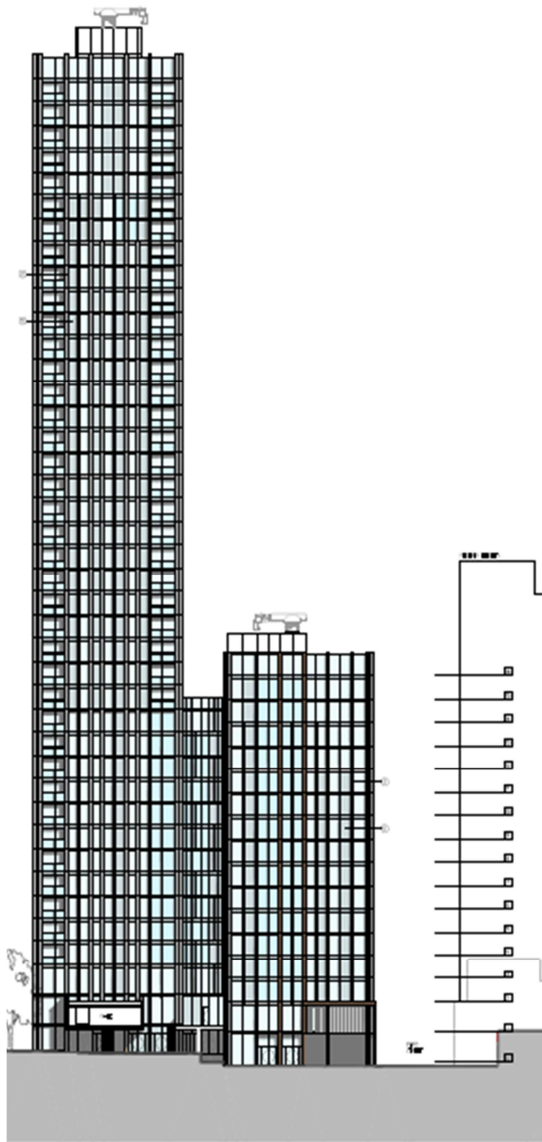
Local context

- 8.64. The site is situated within the Marsh Wall area of the Isle of Dogs. The Isle of Dogs has seen significant change over the last twenty years. At its heart is the Canary Wharf Estate, with One Canada Square its focal point at 50 storeys (245m Above Ordinance Datum "AOD").
- 8.65. To the east of the Canary Wharf Estate is a site, called Wood Wharf where Tower Hamlets Strategic Development Committee resolved in July 2014 to approve an outline scheme for up to 3,610 homes and 350,000sqm of office floorspace with buildings up to 211m (AOD).
- 8.66. To the south of Canary Wharf is South Dock, a water body that is circa 80m wide. On the southern side of South Dock is the main east-west road, Marsh Wall.
- 8.67. On the northern side of Marsh Wall both South Quay Plaza (SQP) and Arrowhead Quay (AHQ) have consents for very tall towers (up to 239m at SQP and 220m AOD at Arrowhead Quay). Meridian Gate to eastern side of Marsh Wall which is 53 storeys high (187.45m AOD) also has a planning consent.
- 8.68. To the south of Marsh Wall, heights of the towers generally drop off relatively rapidly. The reduction in height is evidenced with the maximum heights of 40 Marsh Wall (127.2m AOD), Indecon Court (99m AOD), the former London Arena Site known as Baltimore Wharf (155m AOD), Pan Peninsula (147m high), 2 Millharbour (148m AOD) and recently consented 3 Millharbour (with the tallest tower at 146.6m AOD).
- 8.69. The site to the west of the application site under consideration is 50 Marsh Wall (also known as Alpha Square). This has a resolution to grant by the Mayor of London. The Alpha Square proposal interlocks the 54 Marsh Wall site on its western side and consists of three towers including a tower fronting Marsh Wall at 66 storey high (213.5 AOD) a 23 storey high (78.5 AOD) tower fronting Byng Street with a west building at 35 storeys high (118.75m AOD above ground floor and mezzanine levels).
- 8.70. To the immediate south and west of the application site the existing residential dwellings along Byng Street and Bellamy Close are generally two storeys in height. Whilst, the south side of Byng Street is characterised by single storey garages and four storey residential buildings. The western and eastern ends of Byng Street comprise of 9 – 20 storey residential blocks.
- 8.71. There are also a number of current applications within this South Quay/Marsh Wall area for substantial residential towers including 30 Marsh Wall. However, since they have yet to be reported to Committee, significant weight cannot currently be given to these proposals.
- 8.72. The above assessment of the local context allows for a number of conclusions about the townscape in this area to be drawn. Canary Wharf is a cluster of large floorplate towers and other office buildings, forming the heart of this tall building cluster. To the west are a number of approvals for tall towers which would act as markers at the end of the dock with the River Thames behind which would provide the setting for these towers to 'breathe'. City Pride marks the end of the South

Dock and the two residential towers at Pan Peninsula represent landmark developments.

The Proposal

- 8.73. The proposal seeks the erection of two towers to the north and south of the site. The massing approach is a 41 storey northern tower facing Marsh Wall (plus double basement level) with a 16 storey tower facing Byng Street. The proposal includes a linked element between the two towers up to the fourteenth floor level.
- 8.74. The residential units are located across both towers and the linked element. The southern tower will accommodate all of the affordable housing units and the northern tower (plus linked element) will accommodate the private units. The residential units will be located at level three in the northern tower and from level two in the southern tower. Access to the northern and southern tower is provided from the north-south route to the east of the site adjoining the public route.



8.75.

- 8.76. A large area of public realm is proposed to the north east of the site (measuring approximately 220m²) and a north south public route is proposed connecting Marsh Wall and Byng Street.



- 8.77.
- 8.78. At ground floor level, two small commercial units will be provided to the north of the site fronting Marsh Wall. These will fall in the A1-A3 or B1 land use category. The retail units are both proposed with café spill out areas to provide additional activation to Marsh Wall and continue the street frontage with the Alpha Square scheme (which has a resolution to grant).

Northern Tower

- 8.79. The proposed building to the north would consist of a 41 storey tower plus ground floor and two basement levels. The northern tower will be parallel to Marsh Wall and is of rectangular shape. The northern tower block will provide the private residential lobby which is accessible from the adjacent public route.
- 8.80. From third floor up to (and including) twelfth floor level, one residential unit per floor will be provided within the connecting middle element. These units are accessible from the private core only.
- 8.81. The northern tower will provide 156 residential units in total when including the units within the connecting element. The corridors and lifts are located centrally within northern tower block from third floor to fortieth floor. The building form of the northern block is maintained throughout the floor levels.
- 8.82. At ground floor level, the northern tower block will provide the retail units. A café spill out space will also be provided at first floor level. A resident only gym will be located within the connecting unit space at ground floor level and will provide access to a gym terrace at first floor level. A resident's cinema will also be provided at first floor level.

- 8.83. In terms of amenity spaces, child playspace will be provided internally at first floor level and second floor level. Communal amenity space will also be provided internally at second floor level and externally at 14th floor level (above the connecting unit).

Southern tower

- 8.84. The proposed tower to the south is parallel to Byng Street and is sixteen storeys plus ground floor (with access to the two basement levels below). The southern tower will provide 60 residential units starting from second floor level and above.
- 8.85. The southern tower will be based around a central core area and will accommodate the affordable housing units only. The affordable lobby will be located off the public route as per the private lobby.
- 8.86. At ground floor level both internal to the building and to the west of the built form, the proposal will provide a large area of child playspace with its own reception area. All children will need to exit their respective block and access the ground floor child playspace from the entrance provided on Byng Street. A small community room will also be provided.
- 8.87. Further child playspace will be provided at first floor level and at 16th floor level at the top of the southern tower.

Basement levels

- 8.88. Two basement levels are also proposed which consist of refuse and recycling provisions, cycle parking, wheelchair accessible vehicle parking, plant and a large vehicle service lift. The refuse and cycling stores have dedicated areas for the affordable and private units.

Layout and public realm

- 8.89. The site is heavily constrained by the Alpha Square development located to the west and lacks permeability and useable public realm in its existing form.
- 8.90. The applicant has engaged with the local authority and the GLA regarding the proposals during pre-application stage and application stage to improve the scheme's contributions to its surroundings whilst working with the context of the existing site (including the level change between Marsh Wall and Byng Street) and providing activation at ground floor level.
- 8.91. The area of open space to the east of the site is welcomed and in accordance with the principles of the South Quay masterplan. The new pedestrian route from Marsh Wall to Byng Street will improve connectivity and permeability to and through the masterplan area.
- 8.92. The route through the site has amended to a ramped approach to toward the centre of the site as agreed with the GLA.
- 8.93. The GLA has raised concerns regarding the refuse collections which are to take place from a dedicated bay to the south east of the site in a shared surface space off Byng Street. The refuse collections will take place for 90 minutes per week. It is considered that on balance the short period the refuse vehicles will be parked here each week, the limited frontage afforded to the application site, the avoidance of a

series of dead frontages along Byng Street (when combined with the adjoining Alpha Square development) and the positive open space to the north east and child playspace to the south west, this solution is acceptable. The refuse collections will be managed through the Delivery and Servicing Management Plan which will be secured by condition.

- 8.94. The proposed development has a number of retail units at ground floor level which are appropriately located to create activity at street level to Marsh Wall and create a commercial frontage. Along the access route, the level of glazing with residential lobbies will provide a suitably overlooked walkway and provide a safe route for users. To the south of the site, the external playspace (and playspace lobby) plus the community room will provide a further human scale to a more residential street.

Building Heights

- 8.95. Part C of policy 7.7 of the London Plan states that tall and large buildings 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 material, 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.
- 8.96. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. However, it is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres.
- 8.97. The hierarchical approach for building heights directs the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expected to be lower in Central Activity Zones and Major Centres and expected to faller even more within neighbourhood centres. The lowest heights are expected areas of outside town centres. This relationship is shown within figure 9 of the Managing Development Document, which is located below and referenced within policy DM26 of the MDD. The vision for Millwall as set out within the Core Strategy also seeks to ensure tall building in the north should step down south and west to create a transition from the higher-rise commercial area of Canary Wharf and the low-rise predominantly residential area in the South.

8.98. Further to this, policy DM26 (2) of the MDD also sets out the following criteria that tall buildings must satisfy:

- a. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
- b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.
- c. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and water bodies, or other townscape elements;
- d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;
- e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;
- f. Present a human scale of development at the street level;
- g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;
- h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;
- i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;
- j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
- k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and
- l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.

8.99. South Quay Masterplan SQ3.5 (Taller elements massing and design) also states that the developments should:

- a) Step down from the Canary Wharf Major Centre; and
- b) Accord with the latest Civil Aviation Authority heights guidance for the London City Airport.

8.100. The following is an assessment of the proposal against policies 7.7 of the London Plan, DM26 of MDD and the South Quay Masterplan SPD.

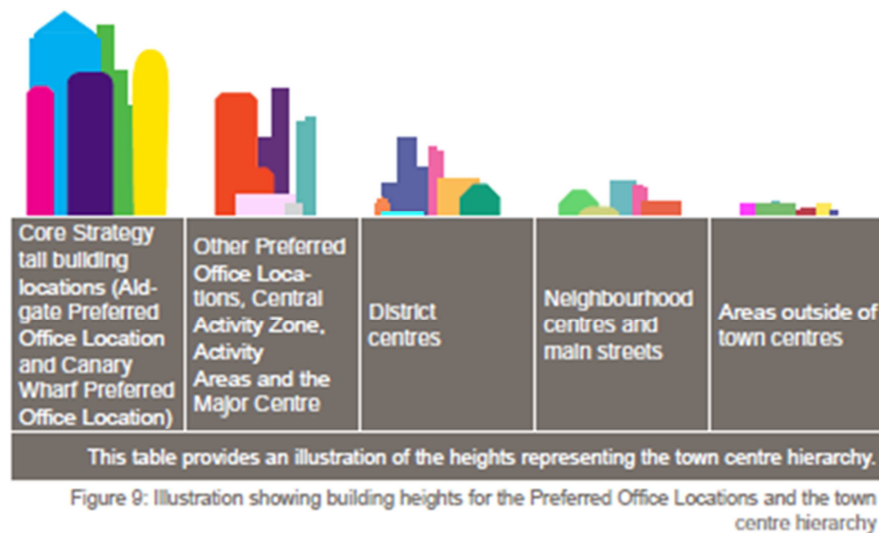


Figure 9: Illustration showing building heights for the Preferred Office Locations and the town centre hierarchy

Policy DM26(2)a states. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;

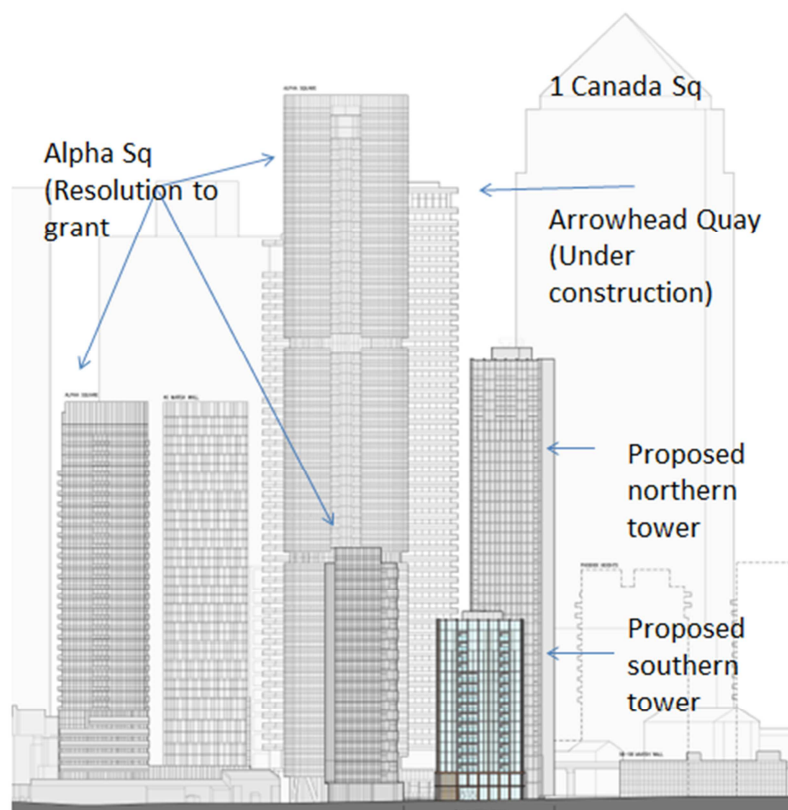
- 8.101. Within the Activity Area, the tallest buildings south of Marsh Wall consist of Pan Peninsula at 147m AOD and Baltimore Wharf, which is currently being constructed. Baltimore Wharf's height is approved at 155m AOD.
- 8.102. To the north of the application site is Arrowhead Quay site which has planning permission (PA/12/03315) for a 55 storey tower (188.4m AOD) adjacent to Quayside to the north and a 50 storey tower (171m AOD) along Marsh Wall. The reduction in height of the Arrowhead Quay tower adjacent to Marsh Wall was required in accordance with DM26 which seeks for building heights to step down from Canary Wharf Preferred Office Location. To the west of Arrowhead Quay on the northern side of Marsh Wall is the Novotel at 40 Marsh Wall (127.2m AOD) which is due to be operational imminently.
- 8.103. The site directly to the west of the application site under consideration is 50 Marsh Wall (also known as Alpha Square). This has a resolution to grant by the Mayor of London. The Alpha Square proposal interlocks the 54 Marsh Wall site on its western side and consists of three towers including a tower fronting Marsh Wall at 66 storey high (213.5 AOD) a 20 storey high (78.5 AOD) fronting Byng Street with a west building at 34 storeys high (118.75m AOD) above ground floor and mezzanine levels.
- 8.104. The proposed northern building is 41 storeys in height (142.940m AOD) and the southern tower is 16 storeys in height (61.090m AOD).
- 8.105. The proposal would show a reduction in height and suitable transition from the approved southern tower of Arrowhead Quay at 171m AOD (located to the north west of the site) and the northern tower of the proposal at 142.940m AOD. This totals a difference of 28.060 metres.
- 8.106. A further transition is then provided between the northern and southern tower of the application proposal totalling a difference of 81.85metres.
- 8.107. In terms of the transition with Phoenix Heights, the previous withdrawn application proposed a southern tower of 29 storeys in height. This relationship is much

improved with a more suitable transition between the 16 storey tower (at 61.090m AOD) and the 4-5 stories of Phoenix Heights immediately behind this. Phoenix Heights then increases to the east to 20 storeys and 23 storeys on the corner with Mastmaker Road. It is noted that the ground floor child playspace to the west of the southern tower to some extent protects the lower scale properties of Bosun Close (which are 2 stories in height) and allows some breathing space between the southern tower of the application site and the 23 storey tower of Alpha Square which fronts Byng Street.

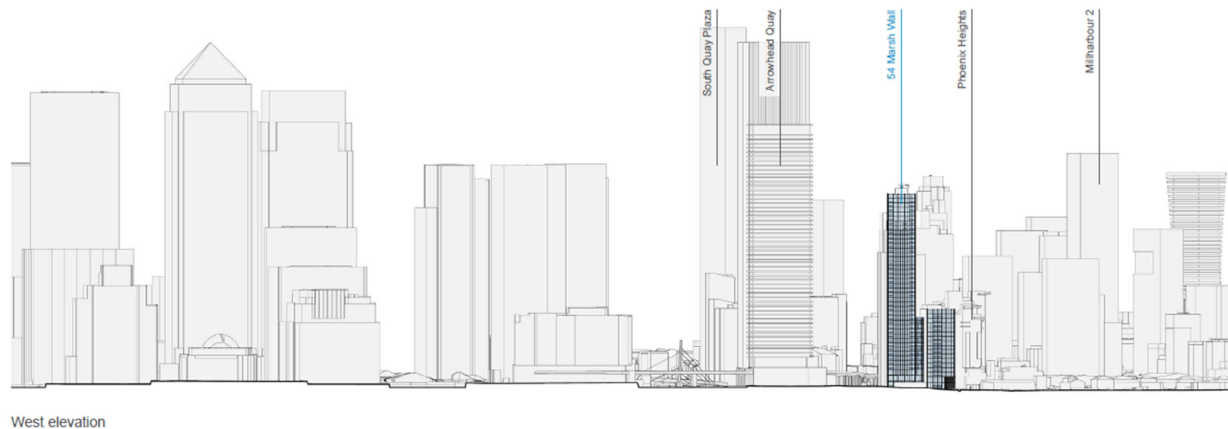
- 8.108. As such, when taking into account the heights within the CAZ (up to 250m) the proposed development is considered to reflect an acceptable transition.

DM26(2)b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.

- 8.109. As outlined in DM26(2)a, the development has been carefully designed to respond to the local context and more specifically it responds positively to the two different character streets of Marsh Wall and the more residential Byng Street. Since the previous withdrawn submission, the applicant has engaged with the local authority to achieve the appropriate transition and scale difference between Canary Wharf and the surrounding residential areas. As such, the proposed heights largely follow the heights of existing and emerging buildings as required by this policy.



- 8.110. The following context elevations further demonstrate the sites relationship with consented and in some cases implemented schemes.



DM26(2)c. Achieve high architectural quality and innovation in the design of the building

- 8.111. The design has been extensively consulted on during pre-application and application stage. During the course of the submission, the applicant has submitted amended plans to respond to the comments raised at CADAP regarding the architectural quality. The amended design is considered to respond well to the adjoining sites, the streets to the north and south and the open space created to the east of the site. The architecture is discussed further within this report and in summary is considered to be acceptable.

DM26(2)d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;

- 8.112. By virtue of the proposed design, the proposed buildings will be experienced differently when viewed from different streets and within both during the day and night. The proposed material and orientation of the building will seek to ensure the fenestration and overall appearance is distinctive and attractive within the surrounding streetscape.
- 8.113. The application has been accompanied by a Townscape, Heritage and Visual Impact Assessment (THVIA), which contains a series of computer generated images outlining existing and proposed visual impacts of the development. Officers are satisfied that the visual impact to the local skyline will be positive and will be viewed as part of the emerging cluster and as such is considered acceptable.
- 8.114. The following is a computer generated image of from West India Dock looking south-west. Not shown is the consented scheme at Arrowhead Quay or Alpha Square which has a resolution to grant.



DM26(2)e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;

- 8.115. This is discussed further within the Heritage section of this report. The proposal forms part of the emerging cluster and in summary, officers consider the overall impacts on heritage to be acceptable.

M26(2)f. Present a human scale of development at the street level;

- 8.116. The proposed development has a number of retail units at ground floor level which are appropriately located to create activity at street level to Marsh Wall and create a commercial frontage. Along the access route, the level of glazing with residential lobbies will provide a suitably overlooked walkway and provide a safe route for users. To the south of the site, the external playspace (and playspace lobby) plus the community room will provide a further human scale to a more residential street.
- 8.117. This is reflected in the following computer generated image of the new access route between Byng Street and Marsh Wall.



DM26(2)g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;

- 8.118. The proposed development includes public open space and public realm to the east of the application site. Of significant benefit to this scheme is the large ground floor child playspace provided for all residents at the application site. In addition, each building has further shared and dedicated communal spaces and child playspace. Overall, as discussed later within this report officers consider the approach to private and communal amenity space to be of sufficiently high quality and is acceptable.
- 8.119. The following computer generated image shows the ground floor of the lower tower fronting Byng Street. The play area is located to the west of the site (on the left within the image).



DM26(2)h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;

- 8.120. This is discussed further within the microclimate section of the report. The microclimate of both the public realm areas and the amenity spaces are acceptable and in summary the micro-climate impacts have been considered acceptable overall.

DM26(2)i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;

- 8.121. The application site has limited biodiversity value. The proposal will provide positive biodiversity enhancements and this is further discussed in the biodiversity section of the report. As such, the proposed development is considered to comply with the requirements of this policy.

DM26(2)j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;

- 8.122. This is discussed in more detail within the housing section of this report. In summary, it is considered that the proposed development results in a socially balanced and inclusive development.

DM26(2)k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks

- 8.123. The proposed height is considered to be suitably low to ensure it does not adversely impact on Civil Aviation requirements. NATS have raised no objection to the proposal and DLR are satisfied with the proposal subject to conditions.

DM26(2)l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.

- 8.124. The proposed design has taken into account the various safety requirements involved in residential development including issues such as means of escape. Discussions have also taken place with the secure by design officer to ensure the proposed development is secure by design.
- 8.125. As such, taking the above into consideration the proposed development is considered to broadly comply with the requirements of policy DM26 of the Managing Development Document and policy 7.7 of the London Plan in relation to building heights.

Setting and Local Views

- 8.126. With any tall buildings, there is an expectation that it would be situated within a quality of public realm commensurate with its height and prominence. In addition, given the site's location in the South Quay Masterplan area and the number of tall buildings coming forward, it is important to manage the relationships of the proposed buildings with their surroundings.
- 8.127. In this case, the proposal is surrounded to the south and east by two - five storey dwellings, to the west the 39 storey hotel at 40 Marsh Wall and to the north by the implemented 55 storey Arrowhead Quay. In the cumulative scenario, the 65 storey building adjacent to the site will have significant prominence in its local surroundings.
- 8.128. The applicant has reduced the southern tower from 29 storeys (as proposed in the earlier application) to 16 storeys due to concerns raised by officers regarding the impact on the local views particularly along Mastmaker Road and further to the west of Byng Street. The southern tower of Alpha Square will be 20 storeys in height which fronts Byng Street. In terms of views from the east of Marsh wall, the proposal will demonstrate a suitable transition with the consented Arrowhead Quay scheme; however, the 3 Millharbour scheme will interrupt views of Phoenix Heights and the southern tower at the application site. The northern tower will still be visible; however, the consented 65 storey tower of Alpha Square would prevent it being seen against the sky.
- 8.129. In terms of views from the west of Byng Street, the Alpha Square scheme would again dominate the immediate view with only parts of the southern facades of the two towers visible.
- 8.130. The proposed materials are in keeping with the approach taken within nearby developments and ensure the proposed buildings are likely to integrate within their local contexts. The materials will also be secured by way of condition. As such, the scheme is considered to make an appropriate local response as illustrated in some of the local views.
- 8.131. The impact of the proposal on Strategic views is discussed further within the heritage section of this report.
- 8.132. In summary, within cumulative schemes the proposed towers are considered to fall within the prevailing character of the area.

Architecture

- 8.133. Further amended drawings have been received subsequent to the CADAP comments which show better articulated elevations and entrances with an improved mullion design. In addition, the connecting units between the northern and southern tower demonstrate a more subtle transition.
- 8.134. In so far as one can divorce the architecture of the building from its context and how it relates at street level, it is considered the amended elevation treatment of the proposed buildings are of a high standard with a façade that is predominantly vertical.
- 8.135. The two towers generally show two contrasting colours of a light bronze colour to the northern tower and a dark bronze colour to the southern tower using a vertical metal cladding system. The two towers also have secondary tones of dark and light silver to lighten the elevations, reduce the visual mass and ensure the towers are not of a single tone of materials.
- 8.136. It is considered that the proposal would provide visual interest and contrast between each tower and with the commercial tall buildings within the Canary Wharf estate.

Secure by Design

- 8.137. Policy 7.3 of the LP and policy DM23 of the MDD seek to ensure that developments are safe and secure.
- 8.138. The proposed development has been assessed by the Crime Prevention Officer who has no objection to the proposal. A Condition would therefore be attached to any approval, to ensure that the development will seek to achieve the Secure By Design Accreditation.
- 8.139. Subject to conditions, it is considered that the proposed development as a consequence would provide a safe and secure environment in accordance with policy 7.3 of the London Plan and policy DM23 of the MDD.

Inclusive Design

- 8.140. Policy 7.2 of the London Plan (MALP 2016), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 8.141. A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'.
- 8.142. In the existing situation there is a significant level difference between Marsh Wall to the north and Byng Street to the south of 2.23m AOD. At the highest point on Marsh Wall the site is 4.87m AOD and the lowest on Byng Street is 2.64m AOD. The applicant has engaged with planning officers and with the GLA during the course of the application and during pre-application discussions in seeking to provide a design solution to overcome the height issue with the principles of inclusive design in mind.

- 8.143. A new public route has been secured from Marsh Wall to Byng Street. A combination of steps adjacent to zig zag paths toward the centre of the site have been provided.
- 8.144. The applicant has proposed further inclusive design measures including the 22 wheelchair accessible parking bays in the two basement levels (which is viewed as a significant benefit of the scheme) and level access to the commercial units and the residential blocks. The applicant has also provided ambulant cycle parking bays within the basement levels for the use of residents of the scheme.
- 8.145. During the course of the application, amendments have been undertaken to the gym located at first floor level which can now be accessed by lift. In addition, in order to access the 16th floor amenity space, the applicant has provided two lifts to ensure that the dedicated communal/child playspace of the affordable block is accessible to all. All of the communal amenity and child playspaces are accessible to less-able users.
- 8.146. It is considered that the proposal would result in a scheme that would be very well connected to its surroundings and would provide a development that can be used safely and easily and dignity by all regardless of disability, age, gender, ethnicity or economic circumstances. The proposal is considered to comply with policy 7.2 of the London Plan (2016), Policy SP10 of the CS and Policy DM23 of the MDD.

Heritage

- 8.147. The environmental statement (ES) assesses the likely effects of the proposed development on two strategic views within the London View Management Framework (11B.1 from London Bridge and 5A.1 from Greenwich Park). The ES also assesses the likely effects of the development on archaeology on and around the site.
- 8.148. Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 8.149. London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 8.150. Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF. The two strategic views referred to above are ‘designated’ heritage assets, whilst it is considered that the potential archaeological remains are ‘non-designated’ heritage assets.

Strategic Views

- 8.151. The development has the potential to affect two views, which are designated as Strategic within the London View Management Framework; the London Panorama’s from Greenwich Park (LMVF View 5A.1) and London Bridge (LMVF View 11B.1 & 11B.2).

8.152. The LVMF SPG describes the downstream River Prospect from London Bridge (Assessment Point 11B.1) as providing views to the Tower of London World Heritage Site, Tower Bridge, and beyond, to the rising ground at Greenwich and the cluster of towers at Canary Wharf. The visual management guidance states that Tower Bridge should remain the dominant structure from Assessment Point 11 B.1 and that its outer profile should not be compromised. The Heritage and Townscape Visual Impact Assessment (HTVIA) analysis shows that the proposal will appear in the distance, to the left (north) of Tower Bridge, behind the Tower Hotel, and to the right (south) of the main tower cluster at Canary Wharf. It will have no impact on the silhouette of Tower Bridge or the Tower of London. Overall, the proposal will have a negligible impact on the LVMF SPG view and the setting of listed buildings.

8.153. The LVMF SPG describes the London Panorama from the General Wolfe Statue in Greenwich Park (Assessment Point 5A.1) as taking in the formal, axial arrangement between Greenwich Palace and the Queen's House, while also including the tall buildings on the Isle of Dogs. This panorama is located in the Maritime Greenwich World Heritage Site. Paragraph 146 of the LVMF SPG states that:

"The composition of the view would benefit from further, incremental consolidation of the clusters of taller buildings on the Isle of Dogs and the City of London."

8.154. The applicant's HTVIA illustrates how the building will become part of the developing cluster of consented and proposed buildings on the Isle of Dogs.

8.155. The applicants view assessment also includes cumulative views from Assessment points LVMF 2A.1, 4A.1, 5A.1, 11B.1, 11B.2, 12B.1 and 15B.1. Officers have considered these views and considered the proposed development will fall within a larger cluster within distant views and not be unduly detrimental within any of these views.

Surrounding Conservation Areas and Listed Buildings

8.156. When determining listed building consent applications and planning applications affecting the fabric or setting of listed buildings, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest. A similar duty is placed with respect of the appearance and character of Conservation Areas by Section 72 of the above mentioned Act.

8.157. It is considered that, having regard to the distance between this site and surrounding heritage assets (including Grade I and Grade II Listed dock walls at North, South and Middle dock and Coldharbour, West India Dock and Narrow Street Conservation Areas), along with the cumulative effect of consented tall buildings in the Tower Hamlets Activity Area, the proposal is considered to preserve and enhance the setting of these assets.

Design/Heritage Conclusions

- 8.158. In conclusion, the urban design, layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance with Chapter 7 of the London Plan (2016); Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the Managing Development Document 2013 which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the locality.

Housing

- 8.159. The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “.... housing applications should be considered in the context of the presumption in favour of sustainable development” and “Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.”
- 8.160. The application proposes 216 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan 2016 (MALP) is 3,931.
- 8.161. Policy 3.3 of the London Plan seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 8.162. The following table details the housing proposed within this application by unit number

	Studio	1 bed	2 bed	3 bed	4 bed
Open Market	23	62	61	10	0
Affordable rent	0	8	8	10	10
Intermediate	0	10	14	0	0
TOTAL	23	80	83	20	10
Total as %	11%	37%	38%	9%	5%

- 8.163. The quantum of housing proposed will assist in increasing London's supply of housing and meeting the Council's housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

Affordable Housing

- 8.164. The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs

should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.

- 8.165. Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites, having regard to:
- Current and future requirements for affordable housing at local and regional levels;
 - Affordable housing targets;
 - The need to encourage rather than restrain development;
 - The need to promote mixed and balanced communities;
 - The size and type of affordable housing needed in particular locations; and,
 - The specific circumstances of the site.
- 8.166. The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme.
- 8.167. The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out SP02 (3a) of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 8.168. Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). The preamble in 4.4 states that “given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%.
- 8.169. Managing Development Document Policy DM3 (3) states ‘Development should maximise the delivery of affordable housing on-site’.
- 8.170. The affordable housing offer is 36% by habitable room on-site provision. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council's financial viability consultants.
- 8.171. The affordable housing is being delivered at a 71:29 split between affordable-rented units and shared ownership units by habitable rooms and 60:40 by units, respectively. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split. The proposed tenure split would be broadly acceptable.
- 8.172. As part of the viability discussions, whilst securing 36% affordable housing officers have secured the family size units within the development at social rent and the remaining units at Borough Framework Rents.
- 8.173. For information, should the development be completed in line with current social target rents, the levels would be for 1-bed flats - £141 per week, 2-bed flats at £150 per week, 3 bed flats at £158 per week and 4-bed flats at £166 per week.

Housing Mix

8.174. Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new affordable rented homes to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).

8.175. The following table below compares the proposed target mix against policy requirements:

		Affordable Housing						Market Housing		
		Affordable Rented			Intermediate					
Unit size	Total Units	Scheme Units	% Scheme	Core Strategy Target %	Scheme Units	% Scheme	Core Strategy Target %	Scheme Units	% Scheme	Core Strategy Target %
Studio	23	0	0	0	0	0	0	23	15	0
1 Bed	80	8	22	30	10	42	25	62	40	50
2 Bed	83	8	22	25	14	58	50	61	39	30
3 Bed	20	10	28	30	0	0	25	10	6	20
4 Bed	10	10	28	15	0	0	0	0		
Total	216	36	100	100	24	100	100	156	100	100

8.176. Within the scheme, there is a slight under provision of affordable rented one beds (22% compared to policy requirement of 30%) and three beds (28% provision compared to a policy requirement of 30%). However, the four beds at 28% provision is well above the policy requirement of 15%. The tenure split is considered to be acceptable in this instance.

8.177. The proposed over provision of intermediate 1 and 2 beds would result in a shortfall in 3 bed intermediate units. A reduction in the number of three bedroom units within the intermediate section to an extent is also justifiable in this area, as there appears to be an affordability issue due to the relatively high value of this area rendering larger intermediate units generally less affordable. The applicant has also consulted with Registered Providers on this matter and they too expressed concerns about affordability for the larger intermediate units. For the very same reason, it is often therefore considered that a greater proportion of one and two bedroom units would be acceptable and in line with the developments that have come forward within the area.

8.178. The proposed market sale housing would consist of an over provision of one beds (including studios) and two bedrooms. However, as the advice within the London Mayor's Housing SPG in respect of market housing which argues that it is inappropriate to be applied crudely "housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements".

- 8.179. The overall mix of unit sizes and tenures would make a positive contribution to a mixed and balanced community in this location as well as recognising the needs of the Borough as identified in the Council's Strategic Housing Market Assessment. It reflects the overarching principles of national, regional and local policies and guidance.

Quality of residential accommodation

- 8.180. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02(6) and SP10(4) of the CS which supports high quality well-designed developments.
- 8.181. Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 8.182. All of the proposed flats meet or exceed the London Plan minimum internal space standards and the Minimum National Floorspace standards. The minimum floor-to-ceiling height also exceeds 2.5m which is in accordance with relevant policy and guidance
- 8.183. The proposed internal cores serving a maximum of 6 residential units within the northern tower and maximum of 5 residential units within the southern tower would comply with the recommended 8 flats per core and accord with the objectives of the Housing SPG.
- 8.184. The rented family sized units are designed with separate living room / kitchen arrangements, this is welcomed. The applicant states that all of the residential units will be compliant with Building Regulation M4, with 90% of the units being accessible and adaptable and 10% of the units designed to be wheelchair accessible across the tenures. This is acceptable.
- 8.185. The proposal also includes 22 wheelchair accessible parking bays within the two basement levels for the 22 wheelchair accessible units.
- 8.186. The proposed residential units have been well designed given the recently consented 50 Marsh Wall and the constrained nature of the site. The proposals do not include residential units until second floor level of the southern tower and third floor of the northern tower which in part is due to the podium level of Alpha Square to the west. The relationship has been managed well with the adjoining Alpha Square site and at the tightest points achieves a separation distance of 16 metres between habitable room windows in the northern tower, 20 metres minimum within the connecting units and the southern tower achieves 12 metres separation distance at the tightest point. It should be noted that the southern tower of Alpha Square is for a hotel use and the proposed southern tower will not directly face habitable room windows.
- 8.187. In terms of the relationship to the east, the building form has maintained a separation distance of 7 metres from the southern building edge to the red line, 10

metres at the connecting unit to the red line boundary and 14 metres from the northern building edge to the red line. It is envisaged that a building on the adjoining site could provide a similar minimum separation distance and this would assist in providing sufficient separation distance and level of outlook.

- 8.188. Officers note that there could be some overlooking of the flats facing onto the connecting unit playspace. In terms of the southern block, a lounge will face onto this space but as this unit is dual aspect, the lounge space benefits from windows and a balcony facing east. It is therefore recommended that the details of any screening/obscure glazing are secured by condition.
- 8.189. Similarly two units located at the south of the northern block also face onto the amenity space at fourteenth floor level. Again the units are dual aspect and have the benefit of winter gardens and balconies facing to the east and west away from this space. It is considered that a condition regarding details of the boundary treatment and/or obscure glazing should resolve any overlooking into this communal amenity space.
- 8.190. It is therefore considered that the proposed flats by reason of their orientation and separation distance would therefore not be unduly overlooked by neighbouring properties. Subject to appropriate conditions securing appropriate glazing specifications and ventilation would not be subject to undue noise or vibration from the road or DLR.
- 8.191. Subject to conditions, it is considered that the proposed development would provide high quality residential accommodation for future occupants in accordance with London Plan policy 3.5 and policies SP02(6) and SP10(4) of the CS.

Internal Daylight and Sunlight

- 8.192. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.
- 8.193. The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."
- 8.194. Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 8.195. For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.

- 8.196. In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.

Daylight

- 8.197. The baseline and cumulative scenario have been presented in the ES Sunlight and Daylight Report.

- 8.198. The daylight/sunlights results were independently reviewed by the Council to

Northern building

- 8.199. The 3rd, 14th, 15th and 34th floors have been analysed. In summary BRE have noted that the rooms tested are all almost fully glazed and therefore received probably the most daylight they can in those positions without loss of balcony spaces.

- 8.200. The review outlines some of the windows on the western façade of the proposal (facing Alpha Square) would not meet BRE guidelines, on the northern tower at 3rd floor 4 rooms out of 11 fall short of the BRE guidelines recommended ADF value of 1% of bedrooms, by the 14th floor just 2 of the 10 fall short of the recommended values. Overall, the affected windows are in an isolated location and serve bedrooms.

Southern Tower

- 8.201. Similarly, on the southern tower with two bedrooms tested out of the 15 rooms on the 2nd floor fail the BRE Standards.
- 8.202. Within both buildings the amount of daylight received by the windows would be anticipated to increase further up the building within the same block of room layouts.

Summary

- 8.203. The development has a number of rooms which do not achieve the British Standard recommendations for day lighting. Given a highly obstructed environment with multiple high rise buildings, BRE confirm that it is unlikely that any building will achieve 100% compliance with day lighting standards. Overall, the failures are isolated and in most cases serve bedrooms. As such, overall officers consider that the proposal has been suitably designed to ensure the proposed habitable rooms are suitably lit.

Sunlight

- 8.204. In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH, including at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive good sunlight.

- 8.205. The BRE Report suggests that to evaluate the sunlight potential of a large residential development, it can be initially assessed by counting how many dwellings have a window to a main living room facing south, east or west
- 8.206. The aim should be to minimise the number of dwellings whose living rooms face solely north, north-east or north-west, unless there is some compensating factor such as an appealing view to the north.
- 8.207. BRE have advised that 68 living rooms out of 226 which would receive the recommended amount of sunlight. Another 20 would receive the recommended amount of year round sunlight but not winter sunlight, and another 4 would receive the recommended amount of winter sunlight but not year round sunlight.
- 8.208. This does not represent a particularly good level of sunlight provision. However, there is a significant amount of external obstruction in the form of Alpha Square to the west and Phoenix Heights to the south, which limits available sunlight. The south tower would also obstruct sunlight from the north tower to a certain extent. There are more living rooms which receive some sunlight, if not the recommended amount.
- 8.209. Officers for the obstructions outlined above and given the study includes north facing windows (which would not receive any sunlight, consider the overall levels reasonable within the surrounding context.

Conclusions

- 8.210. Overall, officers consider the proposed development has maximised the daylight sunlight provision within the development.

Amenity space and Public Open Space

- 8.211. For all major developments, there are four forms of amenity space required: private amenity space, communal amenity space, child amenity space and public open space. The 'Children and Young People's Play and Information Recreation SPG (February 2012) provides guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied.

Private Amenity Space

- 8.212. Private amenity space requirements are a set of figures which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.
- 8.213. The application proposes designated private amenity space to all of the flats which are generally in compliance with the above policy standard. The private amenity space within the two towers is either inset from the edge of the building line (and stacked through the two tower blocks) or winter gardens. The winter gardens are generally located to the north east of the northern tower and the north west of the

southern tower in order to manage the relationship with the adjoining sites and provide variety in the articulation of the building.

- 8.214. In terms of the connecting units, these are proposed to have winter gardens on the western elevation which will assist in reducing amenity impacts with adjacent windows in the northern and southern tower (in terms of noise and overlooking) and also with the adjoining Alpha Square site.

Communal Amenity Space

- 8.215. Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 256sqm.
- 8.216. Paragraph 4.7 of the Managing Development Document states '*communal amenity space should be overlooked, and support a range of activities including space for relaxation, gardening, urban agriculture and opportunities to promote biodiversity and ecology*'
- 8.217. The proposal would provide approximately 318sqm of communal amenity space which is in excess of the 256sqm requirement. The communal amenity space includes one internal space at 2nd floor level and two external spaces at the roof top level of the connecting unit and the southern tower. The internal space at second floor level and the external space at 14th floor within the connecting block (measuring 141sqm and 57sqm respectively) is for exclusive use of private residents. The eastern part of the roof of the southern tower will be exclusively used by the residents of the affordable block (120sqm).
- 8.218. The communal amenity space is generally aggregated proportionally between the private and affordable tenures. The distribution of the communal amenity space in the form of large aggregated areas would maximise the potential ways the spaces can be used by future residents and will also provide urban greening and biodiversity benefits for the site overall.
- 8.219. It should be noted that the proposal also includes a gym and community room which have been clearly marked as 'extra facilities' and are not included within the communal amenity space calculations.
- 8.220. For the reasons above, the quantum and quality of the communal amenity space is therefore considered to acceptable.

Public Open Space

- 8.221. The proposal includes a large public open space to the north east of the site including a public access route connecting Marsh Wall and Byng Street. This totals 470sqm. In addition, a further 30sqm of public open space is proposed to the north west of the site which is identified as a café spill out space on the submitted plans.
- 8.222. The area to the north east of the site will be the most useable area of public realm given it will consist of terraces with greening and seating areas. This area of public realm measures approximately 220sqm.
- 8.223. The design and quantum of the public realm and setting of the building has been carefully considered throughout the pre application discussions and planning

process to maximise its accessibility and usability. The benefits of the scheme would include improving accessibility for residents of Marsh Wall.

- 8.224. The design strategy for the ground floor of the building maximises the level of active frontage with ground floor residential entrances facing onto the access route and the public open space area. Commercial frontages will also be provided to Marsh Wall. This will help to provide a visual connection with the public spaces around the site. This strategy would accordingly help to maximise activity and animation within this space.
- 8.225. Further detail on the north/south route is provided in the public realm section above; however, on balance, it is considered that the creation of the north/south route would strengthen local permeability and connectivity through the site and the wider South Quay masterplan area.
- 8.226. The proposed public realm for future occupants are considered to be appropriate given the high density nature of the scheme and constrained nature of the site. It will provide an attractive and pleasant area of public realm to the benefit of local residents.

Child play space

- 8.227. Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space required per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents.
- 8.228. The scheme is predicted to contain 77 children (0-15 years of age) using the GLA child yield calculations as per the LBTH Planning Obligations SPG. The following is a breakdown of the expected number of children per age group:
- Under 5 years 26
 - 5-11 years 28
 - Over 12 years 23
- 8.229. In accordance with London Plan Guidance a total of 770sqm of play space is required for all three age groups. The applicant is proposing a total of 867sqm of playspace which exceeds the requirements.
- 8.230. The applicant has provided a large ground floor playspace to the south west of the site which is viewed positively by officers. The applicant has proposed 245sqm external space and 90sqm of internal space adjacent to this. The ground floor child playspace will be used by all children within both affordable and private tenures across the proposal. The applicant envisages the ground floor child playspace to target children aged between 0-10 years old. The playspace will be accessed via external doors onto Byng Street which means that all residents will have to access the playspace externally. The details around the access and management arrangements will be secured by condition.
- 8.231. It is of note that according to the GLA calculations, the proposed development would generate 26 children fall in the under 5 category which equates to 260sqm of

child playspace. The applicant is in fact proposing 260sqm of child playspace for the 0-3 year olds which is viewed positively.

- 8.232. At first floor level, a further 200sqm of child playspace will be provided toward the south of the southern tower which will be useable by all children at the application site regardless of tenure. The applicant has submitted amended plans which demonstrate how it is envisaged this space will come forward which includes soft playspace.
- 8.233. Further playspace is located to the north of the first floor level and at second floor level totalling 152sqm which will be accessible to the private block only.
- 8.234. In terms of dedicated playspace for the affordable block, 180sqm of child playspace is proposed at the sixteenth floor level and will constitute external amenity space. Amended plans have been submitted by the applicant to include two lifts so that this area is accessible to wheelchair users.
- 8.235. The proposed child play space provision is therefore considered acceptable in accordance with the development plan policies.

Conclusion

- 8.236. The proposed development would provide all four forms of amenity space required on site and includes a large external ground floor child playspace on a constrained site. The proposed amenity strategy ensures that an appropriate quantum and quality of amenity space would be delivered on the site overall. The development as a consequence would result in a development which would provide high quality living conditions and spaces for enjoyment for future residents.

Archaeology

- 8.237. The National Planning Policy Framework (Section 12) and the London Plan (2016) Policy 7.8 emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate 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.
- 8.238. English Heritage Archaeology (GLAAS) advises that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. On this basis, they advise that a condition is not required.
- 8.239. It is therefore considered that the proposed scheme would therefore comply with the requirements of the National Planning Policy Framework (Section 12) and Policy 7.8 of the London Plan (2016).

Neighbours Amenity

- 8.240. Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

Daylight, Sunlight and Overshadowing

- 8.241. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.242. Surrounding, the application site exist a number of residential properties which can be impacted by the development, these have been tested as part of the application, and the results have been independently reviewed on behalf of the Council, these are discussed below.

Daylight

- 8.243. For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.
- 8.244. However, as outlined above, officers consider the appropriate assessment is to calculate whether the habitable rooms in these buildings will be left with above minimum levels of daylight for their current use rather than necessarily maintaining most of the daylight that they currently receive. It is for that recent officers and the Councils independent consultant agree with the view presented within the Waldrams Daylight/ Sunlight study, on behalf of the applicant that the most appropriate test for this is Average Daylight Factor (ADF). ADF is a measure of interior daylight used to establish whether a room will have a predominantly daylight appearance.
- 8.245. BRE guidelines recommend the following ADF values for dwellings. These are:
- 2.0% - Kitchens
 - 1.5% - Living Rooms
 - 1.0% - Bedrooms
- 8.246. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 8.247. The following properties have been tested for Daylight and Sunlight based on land use and proximity to the site:
- 1-25 Block Wharf
 - 1-7 Bellamy Close
 - Dowlen Court, Byng Street
 - The North Pole (PH)
 - 1,2 & 3 Bosun Close
 - Phoenix heights
 - Alpha Square (resolution to grant subject to s106)
 - Arrowhead Quay (consented scheme under construction)

- 8.248. The following is a table showing the VSC results with the completed development

Table 16.7: VSC Summary with the Completed Development

Address	Total that Meet BRE Guidelines (Negligible)	Below BRE Guidelines				Total No. of Windows
		20-29.9% Reduction (Minor)	30-39.9% Reduction (Moderate)	>40% Reduction (Major)	Total	
1-25 Block Wharf	55	2	0	0	2	57
1-7 Bellamy Close	45	0	0	0	0	45
Dowlen Court, Byng Street	0	3	0	0	3	3
The North Pole (PH)	9	1	0	0	1	10
1 Bosun Close	1	2	1	0	3	4
2 Bosun Close	2	2	0	0	2	4
3 Bosun Close	3	1	0	0	1	4
Phoenix Heights - Byng Street	260	55	48	28	129	389
Total	369	66	47	28	141	516

8.249. Given the number of consents and live applications within the surrounding area for tall buildings, the cumulative impacts have been taken into account. These are outlined in the following table.

Table 16.10: VSC Summary with the Proposed Development and Cumulative Schemes

Address	Total that Meet BRE Guidelines (Negligible)	Below BRE Guidelines				Total No. of Windows
		20-29.9% Reduction (Minor)	30-39.9% Reduction (Moderate)	>40% Reduction (Major)	Total	
1-25 Block Wharf	57	0	0	0	0	57
1-7 Bellamy Close	45	0	0	0	0	45
Dolwen Court, Byng Street	3	0	0	0	0	3
The North Pole (PH)	10	0	0	0	0	10
1 Bosun Close	1	1	1	1	3	4
2 Bosun Close	0	4	0	0	4	4
3 Bosun Close	3	1	0	0	1	4
Phoenix Heights - Byng Street	367	15	2	5	22	389
Total	486	21	3	6	30	516

8.250. Overall the impact on the following properties is considered negligible or minor adverse.

- 1-25 Block Wharf
- 1-7 Bellamy Close
- The North Pole (PH)
- 2 & 3 Bosun Close

8.251. The impact on Phoenix Heights, Dowlen Court and 1 Bosun Close is considered greater and this is discussed further below.

Dowlen Court

8.252. Dowlen Court, also known as 29 Byng Street, is a three storey block of flats located to the west of the site. The windows on the main elevation would not have a view of the development and would not be affected, and the rear elevation of the flats facing the site does not have any windows. The only windows with a view of the development are on the end of the block. They are shown in Figure 5. These windows are small and as such may serve a non-habitable room such as a bathroom.

- 8.253. Three windows lose between 20-29% VSC, however the resulting VSC levels remain between 18.89 and 21.56% which is generally considered to be an acceptable level of daylight. As such, the Councils Independent consultant agrees with the applicant that the impact overall is minor adverse. It is important to note, if Alpha Square which has a resolution to grant is constructed, it would be between the site and Dowlen Court and in that case there would be a negligible impact on daylight from 54 Marsh Wall.

1-3 Bosun Close

- 8.254. Bosun Close is a terrace of two storey houses to the south-west of the development on the other side of Byng Street. The windows with a view of the development would be to the rear. These are only minimally visible from the road.
- 8.255. Five windows would lose an amount of daylight outside the BRE guidelines, with losses largely in the 20% to 30% band and with one loss of just over 30%. For the most part the Councils Independent consultant agrees the overall impact to minor adverse impact. However, has noted one window would experience a moderate adverse impact.
- 8.256. In the cumulative scenario, eight windows would lose an amount of daylight outside the BRE guidelines, and two would experience more substantial relative losses of around 38% and 45%. These are both at 1 Bosun Close, which would experience losses outside the guidelines for three out of four windows.
- 8.257. The Councils consultant considers the impact on 2 and 3 Bosun Close would be minor adverse, but also considers the impact on 1 Bosun Close to be a moderate to major adverse impact.
- 8.258. Given the rooms that lose the most VSC already have low values and as such, any loss is skewed heavily, the properties are dual aspect with west facing windows which are unaffected and given the site is within a site allocation. Officers consider the impact whilst noticeable to be acceptable overall.

Phoenix Heights

- 8.259. Phoenix Heights is a large residential development to the south of the site on the other side of Byng Street. It is also the off-site for Pan Peninsula.
- 8.260. The Councils consultant has advised loss of daylight would be outside the guidelines for 113 windows. Some of the losses are substantial, up to 66%. Changes outside the guidelines are largest for the part of the building directly opposite the site. Losses outside the guidelines occur here until the top floor and consider the impact on this part of the building to be moderate to major adverse.
- 8.261. The section of the building closer to Mastmaker Road is less affected, with two or three losses outside the guidelines on each floor and these being smaller, between 20% and 35%. The Councils Consultant considers the impact on this part of the building to be minor to moderate adverse.
- 8.262. In the cumulative assessment, the Councils Consultant has advised these losses are generally reduced, slightly in some cases and substantially in others. This is likely to be due to some of the daylight already being blocked by Arrowhead Quay, which will be behind the proposed development. There continue to be substantial losses of between 50% and 57% to four windows, for example the loss to kitchen window W1/20 is reduced from 66% to 56%. However, these four rooms have

other windows on a less affected elevation. Losses to windows serving single aspect rooms would be outside the guidelines in 9 cases, with losses between 23% and 38%.

- 8.263. In the cumulative assessment, these losses are generally reduced, slightly in some cases and substantially in others. This is likely to be due to some of the daylight already being blocked by Arrowhead Quay, which will be behind the proposed development. There continue to be substantial losses of between 50% and 57% to four windows, for example the loss to kitchen window W1/20 is reduced from 66% to 56%. However, these four rooms have other windows on a less affected elevation. Losses to windows serving single aspect rooms would be outside the guidelines in 9 cases, with losses between 23% and 38%.
- 8.264. Overall, the Councils consultant considers the loss of daylight to be moderate to major adverse for the section of Phoenix Heights closest to the development, and minor to moderate adverse for the section nearer Mastmaker Road. Even if daylight distribution is less affected, a loss of VSC to windows is noticeable to occupants and represents a loss of amenity. In the cumulative scenario, we would consider the impact to be minor adverse but with a few incidents of moderate adverse impact.
- 8.265. Officers have been advised the cumulative scenario is also a strong mitigating factor as, while the number of rooms losing view of the sky stays broadly the same, most of the moderate impact losses are reduced to what would be considered a minor impact, as shown in the above table.
- 8.266. Overall, given the losses are greatly reduced in the cumulative scenario, the substantial reduction in height of the southern tower (between the two applications) and given the site is within a site allocation. Officers are satisfied that the proposed development has taken an appropriate balance with bringing a site forward for development whilst protecting the amenity of existing residents.

Sunlight

- 8.267. Given most of the properties tested are located due north, they do not need to be tested for sunlight impacts. Furthermore, those tested all fall within BRE Guidelines. As such, officers are satisfied there will not be any unduly detrimental sunlight impacts on neighbouring properties.

Overshadowing

- 8.268. In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that "it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March".
- 8.269. The majority of the amenity areas within the rear of surrounding properties are already significantly over shadowed whilst a number of neighbouring dwellings do not have rear amenity space, such as those abutting the site situated along Byng Street and Bellamy Close.
- 8.270. The proposed development will not adversely impact these properties.

Consented Scheme Assessment

The ES has considered the impact on two developments Arrowhead Quay (currently under construction) and Alpha Square (currently with a resolution to grant). It is important to note, in both cases the buildings are not complete and as such, there are no current occupiers that would see a reduction in daylight. None the less, it is important to consider the impacts on these developments.

Arrowhead Quay

- 8.271. Arrowhead Quay is a consented residential development to the north of the development site on the other side of Marsh Wall.
- 8.272. When using ADF, Two living/kitchen/diners would no longer receive the recommended minimum ADF for living rooms, where before they would receive the recommended minimum for living rooms but not for kitchens. However, they are only marginally below it. Two more would fail to achieve the recommended minimum for kitchens for the first time, but would retain the recommended minimum for living rooms. The Councils consultants would consider this a minor adverse impact overall.
- 8.273. There are mitigating factors for impact of the development on Arrowhead Quay which have not been explored. The design for Arrowhead Quay has large balconies which reduce the amount of daylight and sunlight which the windows can receive.

Alpha Square

- 8.274. The BRE guidelines recommend that windows should retain at least 0.8 times their currently received vertical sky component, annual probable sunlight hours and winter sunlight hours, and that rooms should retain at least 0.8 times the current area within the no-sky line. The same principle does not apply to use of ADF, and therefore an ADF after/before ratio of at least 0.8 or an equivalent loss of 20% or less cannot be used to indicate acceptability of a proposal. The percentage losses of ADF expressed in the data tables are therefore useful but restricted in their application
- 8.275. Based on the data available, we would consider the impact of the development on Alpha Square to be moderate to major adverse for both daylight and sunlight rather than minor adverse as concluded by the chapter.
- 8.276. The proposed development has a substantial impact on some of the habitable rooms at Alpha Square. Of 345 rooms analysed, the Councils consultant counted 22 studios, living kitchen diners (LKDs) or bedrooms which would no longer receive the recommended minimum ADF with the development in position. For the purposes of this count we have used a minimum ADF of 1.5% for LKDs rather than the 2.0% strictly required by BS 8206. Some of these rooms lose large amounts of daylight, up to around 70% of their ADF.
- 8.277. 14 rooms which were already below the recommended minimum ADF would lose more. On higher floors they lose very little, and some bedrooms go from being well lit to just under the recommended minimum, but there are some rooms left with very poor lighting, such as a LKD where ADF would go from 1.25% to 0.73%.
- 8.278. Given the tight relationship between the two sites, and given the proposed site is currently low-rised and within a site allocation, officers on balance, consider the

impact to be satisfactory and should not restrict the development potential of the application site.

Privacy

- 8.279. Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances will exist between the proposed new buildings and existing facing buildings on neighbouring sites.
- 8.280. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved.

Visual amenity / sense of enclosure

- 8.281. Given the location and separation distance of surrounding facing residential properties, the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of loss of outlook and sense of enclosure.
- 8.282. However, as discussed previously by officers, it is considered that the combination of the proposed towers, coupled with the hotel at 40 Marsh Wall would not give rise to adverse impacts in terms of visual amenity or sense of enclosure from the high network and public realm.

Highways and Transportation

Policy Context

- 8.283. The NPPF and Policy 6.1 of the London Plan (MALP 2016) seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.284. Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.285. Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

Site context and proposal

- 8.286. The site has a good public transport accessibility level (PTAL) of 4. The site is currently accessed from Marsh Wall with car parking directly to the rear of the site. The site is disconnected from Byng Street to the south by the brick wall surrounding the rear of the site.
- 8.287. In addition, to the changes in built form, the proposal includes the removal of the car parking bays to the rear of the site and opening up the site to the rear. The proposal also includes a north south route to the east of the proposed building to facilitate pedestrian connections between Marsh Wall and Byng Street.

- 8.288. The previously withdrawn scheme included a vehicular lift in the public realm to the south west of the proposed building form. The proposed development was subject to a number of discussions at pre application stage in terms of finding an alternative solution as it was considered the vehicular lift was using valuable external ground floor space which would be better used as child playspace or open space. Under the current application, this area is proposed as child playspace for the residents of the proposal. The car lift has been included internally within the building and is accessed from Byng Street.

Car Parking and access

- 8.289. Policies 6.13 of the London Plan and policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.290. The proposal has 22 dedicated accessible car parking spaces within the two basement levels; however, the rest of the proposal will be car free. The wheelchair accessible parking bays are accessed by a single car lift from Byng Street with internal lifts for individuals to access the ground/upper floor levels. The highways officer has not objected to the provision of one car lift.
- 8.291. It is noted that a tracking diagram was requested by the highways officer to show that vehicles can enter / exit the car park in forward gear from all parking spaces. A light would be positioned outside the site to inform arriving vehicles when the lift is in use. The applicant proposes a management regime to ensure that vehicles do not wait on Byng Street to enter the car park and this will be controlled by way of condition/s106 clause.
- 8.292. The GLA and TfL have queried the number of Electric Vehicle Charging Points proposed and have requested this is resolved that this is controlled by condition. Should planning permission be granted, a condition is recommended securing details of the ECVP's
- 8.293. Officers have sought to clarify the situation with the applicant in the event that there is a breakdown of the car lift which could leave residents without access out of the site using their vehicles or into the site to park their vehicles.
- 8.294. Whilst it is considered that this could be managed by the management company, it is considered important to have an alternative strategy in place. The applicant has suggested a range of measures including the provision of free taxis or suitably fitted rent-a-cars such as Zipcar for any affected residents who are unable to access their car.
- 8.295. In the unlikely situation where a breakdown is preventing a car from accessing the basement then there are several public car parks in close proximity to the application site, the nearest being Manilla Street and Lawn Close House (on Marsh Wall). Any expenses incurred by residents using these car parks could then be claimed back from the management company.
- 8.296. Should planning permission be granted, a clause has been suggested in the s106 heads of terms regarding the submission of a detailed management plan for managing the wheelchair accessible parking bays and access.

Servicing and deliveries

8.297. The refuse collections are to take place from a dedicated bay to the south east of the site in a shared surface space off Byng Street. The refuse collections will take place for 90 minutes per week and are considered to be acceptable by the highways officer as the refuse collections will not be blocking the highway. It is considered that on balance the short period the refuse vehicles will be parked here each week, the limited frontage afforded to the application site, the avoidance of a series of dead frontages along Byng Street (when combined with the adjoining Alpha Square development) and the positive open space to the north east and child playspace to the south west, this solution is acceptable. The refuse collections will be managed through the Delivery and Servicing Management Plan which will be secured by condition. Vehicles are expected to reverse in to the site and exit in a forward facing manner which given the constrained nature of the site, the fact that collections are not occurring from the highway and the applicant has sought to resolve this through pre-application discussions, is considered an acceptable solution on this occasion.

8.298. In terms of any residential deliveries (including home deliveries), these will occur on street from Byng Street. Due to the low number of deliveries anticipated (9 per day), this is considered to be acceptable.

Cycling

8.299. The applicant has proposed 330 cycle parking spaces for the residents of the scheme within the upper basement level consisting of 228 cycle parking spaces for private residents and 102 cycle parking spaces for the residents of the affordable block. This meets the London Plan requirement and is proportioned appropriately in terms of the number of cycle spaces for each tenure.

8.300. A further 14 cycle parking spaces are proposed in the public realm for visitors along the building frontages facing Marsh Wall and Byng Street. The design of the cycle stands will be controlled by condition.

8.301. TfL and the GLA requested that additional cycle parking spaces were provided beyond the minimum stated in the London Plan including recumbent cycle spaces and staff cycle spaces that are secure and covered. The applicant has submitted amended plans which demonstrate that a further 8 cycle parking spaces at both upper and lower basement level will be provided that are recumbent cycle spaces (16 cycle spaces in total) . In terms of staff cycle parking a further 6 cycle parking spaces will be provided will be provided at ground floor level to the north west of the site. This area is secure with access controlled from Marsh Wall and is also under cover. This is considered to be acceptable.

8.302. TfL and the highways officer have raised concern regarding the resident cycle parking which is proposed by way of triple racks. Whilst this is not an ideal solution with Sheffield stands being preferable, it is noted that the building form and the site overall is constrained. Further information has been submitted by the applicant (Transport Note of 7th September 2016) which seeks to address the concerns raised. The highways officer has requested that a cycle management plan is included in the s106 in relation to management of the lower level tiers to ensure these spaces are freed up for users with restricted upper mobility. On balance and in light of the suggested conditions/clauses, given the preference by the applicant for public realm and child playspace plus wheelchair accessible parking bays for each wheelchair accessible unit, the triple racks are considered to be acceptable.

- 8.303. The bike stores are accessed by the cycle lifts from ground floor to basement level. It is important to ensure that the cycle lifts are accessible and user friendly and therefore the access routes and lift detail will be controlled by way of condition. In addition, the design of the cycle stands (with reference to the London Cycling Design Standards (LCDS)) is required by condition.
- 8.304. TfL has also requested a cycle hire station is secured on the site. It should be noted that cycle hire stations are secured through CIL contributions and cannot be secured as planning obligations.

Walking and Public realm

- 8.305. The proposed route provided north to south through the site is supported as it increases permeability through the site and the wider South Quay Masterplan area.
- 8.306. A further Transport Note dated 7th September 2016 provided full details of the PERS audit as requested by TfL to demonstrate routes marked as amber and this is considered to be acceptable.
- 8.307. TfL has requested planning obligations toward signage in order to improve wayfinding in the local area. There has been no specific detail as to the location, number and information on the signage. Therefore this does not meet the relevant Regulation 122 tests for securing planning obligations in terms of being necessary and directly related to the proposed development.
- 8.308. It is also noted that a raised table is proposed outside the site on Byng Street which will further improve pedestrian access from the south. Should planning permission be granted, a condition will be attached regarding the s278 works required.

South Quay Footbridge

- 8.309. This and other South Quay developments (their residents, workers and visitors) would place a further burden onto the heavily used bridge across South Quay. Accordingly, Tower Hamlets in conjunction with other parties such as TfL are seeking pooled contributions towards the introduction of a second footbridge across South Dock to improve north-south connectivity in the area. This is a priority within the emerging South Quay Masterplan and the LBTH CIL pooled could be used to help fund this bridge.

Trip Generation

- 8.310. A multi-modal assessment has been undertaken and is considered acceptable by LBTH highways officer and TfL.
- 8.311. A draft Travel Plan has also been submitted and a full Travel Plan will be secured by the s106. It is noted that the PLA have commented that the Travel Plan has limited detail on the potential of river passengers and there is limited detail on the proposed river mode share targets, measures to encourage the river bus use and the timetable for the River Bus stop. It is considered that these matters can be fully resolved by way of a s106 clause. It is noted that the site is not immediately adjacent to a waterway.

Buses

- 8.312. TfL have advised that they have identified bus capacity constraints at this location during the AM peak and with regard to the cumulative impact of development within this area. TfL is seeking a contribution of £100,000 towards additional bus capacity in the local area in accordance with London Plan policy 6.2.

Demolition and Construction Traffic

- 8.313. Should the application be approved, the impact on the road network from demolition and construction traffic would be controlled by way of conditions requiring the submission and approval of Demolition and Construction Logistic Plans. The Demolition and Construction Logistic Plans will need to consider other developments on Marsh Wall and also the feasibility of using the waterways for the transportation of freight.

Waste

- 8.314. Collection of waste for a development of this size should be conducted away from the public highway due to the number of containers and frequency of collections for all the various services operating on site. As detailed in the previous section the waste collection will occur from the bay to the south west of the site. Refuse collections will occur for 90 minutes per week. The waste will be brought from upper basement level to ground floor level by the refuse lift located adjacent to the refuse stores and into the public realm by a set of louvered doors.

Container Numbers and frequency

- 8.315. The applicant has proposed separate waste stores for the affordable and private block. A total of 25 bins will be provided in the private refuse store and 11 bins will be provided in the affordable refuse store. This complies with the standards detailed in DM14 of the Managing Development Document 2013 and referenced in Table A4.
- 8.316. LBTH will shortly be adopting new capacity guidelines and working across the borough to enforce this as a requirement rather than a minimum or maximum waste container capacity, for all existing and new developments.
- 8.317. The guidelines are more in line with British Standards and a recent waste composition analysis conducted externally for the borough, with the ambition to reduce residual waste capacity and increase dry recycling capacity.
- 8.318. The bin stores could be reconfigured to ensure the development is future- proofed and there is space within the stores/further areas at basement level can be allocated to refuse stores if necessary.
- 8.319. The proposed level of space of the holding areas is suitable for the necessary containers to be stored for a once a week collection.

Energy & Sustainability

- 8.320. The NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 8.321. The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to

climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.

8.322. London Plan 2016 Chapter 5 deals with London's response to climate change and seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025 (Policy 5.1).

8.323. London Plan Policy 5.2 sets out the Mayor's energy hierarchy to:

- Be lean: Use Less Energy
- Be clean: Supply Energy Efficiently
- Be Green: Use Renewable Energy

8.324. The Managing Development Document Policy DM29 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. From April 2014 the London Borough of Tower Hamlets have applied a 45 per cent carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.

8.325. Core Strategy Strategic objective SO3 of the Tower Hamlets seeks to incorporate the principle of sustainable development including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Core Strategy Policy SP11 reiterates the Mayor's CO2 reduction targets and requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.

8.326. Policy 5.2 requires major development, both residential and non-domestic, to achieve a minimum improvement in CO2 emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 residential buildings should be zero carbon while non-domestic should accord with Part L of the 2013 Building Regulations and be zero carbon from 2019.

8.327. The GLA guidance on Energy Planning (Greater London Authority guidance on preparing energy assessments (March 2016)) advises at paragraph 5.4 that *"In line with the implementation date for previous increases in the London Plan carbon dioxide targets and improvements to Part L of the Building Regulations, the 'zero carbon' target as defined above will be implemented for Stage 1 schemes received by the Mayor on or after the 1st October 2016"*. Therefore the zero carbon requirement for residential buildings does not apply as the application was received by the Mayor on 14th July 2016.

8.328. Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require the residential units to comply with optional requirement G(36)(2)9b) of the 2010 Building Regulations in relation to water consumption and non-residential to achieve BREEAM Excellent.

8.329. The applicant must ensure that they comply with Policy 5.6 of the London Plan and install energy systems in accordance with the following hierarchy:

- 1) Connect to existing heating or cooling networks.

- 2) Site wide CHP
- 3) Communal heating and cooling.

- 8.330. The submitted Energy Strategy (Issue 5 - updated September 2016) has followed the principles of the Mayor's energy hierarchy, and seeks to focus on reducing energy demand and connection to the Barkantine District Heating network to minimise emission savings. No renewable energy technologies are proposed due to the lack of roof space available. The applicant has provided the roof layout which demonstrates that PV installation is considerably difficult to implement. The GLA have noted that this is accepted in this instance.
- 8.331. The current proposals are anticipated to achieve CO2 emission reductions of 1% through Be Lean measures and 36% through connection to Barkantine site wide heat network. The cumulative CO2 savings from these measures are proposed to be in accordance with policy London Plan requirements at 37%. However, the proposals fall short of the LBTH policy requirements to achieve a 45% reduction in CO2 emissions.
- 8.332. Based on the current proposals there is a shortfall to policy DM29 requirements which equates to an annual shortfall of 22.22 tonnes of regulated CO2. The Energy Statement identifies the requirement to meet the shortfall through a carbon offset payment and this approach is supported for the development.
- 8.333. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2016 which states:
- '...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.'*
- 8.334. It is proposed the shortfall in CO2 emission reductions will be offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2016).
- 8.335. For the proposed scheme it is recommended that a figure of £39,996 is sought for carbon offset projects as identified in the submitted Energy Statement.
- 8.336. The GLA has raised concerns within their Stage I response that the energy strategy does not accord with London Plan policies 5.2, 5.6, 5.7 and 5.9.
- 8.337. In terms of policy 5.9 of the London Plan, the GLA requested further evidence of how this policy had been addressed to avoid overheating and minimise cooling demand.
- 8.338. The applicant has subsequently clarified that each apartment has been subject to an overheating analysis. The GLA request a condition regarding the submission of the dynamic overheating analysis demonstrating the overheating risk has been reduced in line with policy 5.9 of the London Plan.

- 8.339. The GLA also sought clarification on the connection to the site heat network which has been provided by the applicant. In addition, the full sample DER sheets and calculation methodology have also been provided to the satisfaction of the GLA. a condition is requested regarding the submission of a revised energy strategy when greater accuracy of the energy effects is known.

Environmental Considerations

Landscaping and Biodiversity

- 8.340. Core Strategy SP04 is concerned with '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 and green terraces whilst ensuring that development protects and enhances areas of biodiversity value. MDD Policy DM11 addresses 'Living buildings and biodiversity.' Policy DM11-1 requires developments to provide elements of a 'living buildings' which is explained at paragraph 11.2 to mean living roofs, walls, terraces or other building greening techniques. DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.
- 8.341. The existing site has limited ecological value given the site consists of an existing building.
- 8.342. The Council's Biodiversity officer has advised that there will be no significant impacts on biodiversity as a result of the proposal and the loss of the four trees would be a very minor adverse impact on biodiversity.
- 8.343. In terms of biodiversity enhancements, two types of green roof are proposed on the 2nd and 41st floors, totalling 220 square metres. The rough specifications for these are appropriate, and they will contribute to a target in the LBAP to create new open mosaic habitat. Formal landscaping on the ground, 14th and 16th floors includes a good range of nectar-rich plants which will contribute to a target in the LBBAP to provide forage for bumblebees and other pollinators. Proposed new trees include the native silver birch, which is a good wildlife tree.
- 8.344. The Council's Biodiversity officer is satisfied that with appropriate conditions the proposed development would result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS and DM11 of the Managing Development Document.

Noise, Vibration and odour

- 8.345. Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.346. Policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.

- 8.347. The submitted Environmental Statement Chapter 9: Noise and Vibration and the Non-technical summary considers existing noise levels from a variety of noise sources; include rail, car and aircraft. The proposed development will be exposed to noise and some vibration from noise traffic on Marsh Wall and from the DLR in close proximity to the development.
- 8.348. In terms of the completed development, the assessment considers the noise effects on future residents (both at the facades of the development and the external child play space at ground floor level), building services plant noise and vibration (such as energy centre and lifts), servicing and car park noise and operational road noise. The ES states there will be negligible significance on the proposed development.
- 8.349. It is noted that CADAP has raised concerns regarding the noise between the connecting units and the northern and southern tower (to twelfth floor level). It should be noted that the units will be required to meet building control specifications in terms of transfer of noise and ventilation. Having the balconies stacked above each other in this manner is common place in design (especially as the balconies and windows above/adjacent all serve bedrooms rather than conflicting uses such as kitchens) and is considered good practice.
- 8.350. In order to ensure the noise is acceptable for the new residential units, noise will be controlled by way of condition in terms of a compliance condition (for instance ensuring the units achieve the noise levels achieve the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions).
- 8.351. In addition, any potential noise from the A1-A3 uses could also be controlled by an "hours of use" condition and similarly with deliveries and servicing. Relevant conditions would be included on any permission if granted.
- 8.352. In relation to odour, a condition could ensure any food /drink use with a kitchen extract system would be adequate to mitigate any odour nuisance and any internal noise transmission between the gym and residential uses could be controlled by a condition requiring noise/sound insulation.
- 8.353. It is considered that proposed arrangements would ensure that the development would be compliant with the NPPF and development plan policy.

Air Quality

- 8.354. Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it would prevent or reduce air pollution in line with Clear Zone objectives.
- 8.355. The borough is designated an Air Quality Management Area and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods. NPPF paragraph 124 requires

planning decisions to ensure that new development in Air Quality Management Areas is consistent with the local air quality plan.

- 8.356. The air quality assessment shows that the development will have a negligible impact on the local air quality and that the development meets the air quality neutral requirements. The assessment also shows that in the opening year some units will be subject to existing elevated pollution levels exceeding the NO₂ air quality objective, mitigation will be required for the units shown to be exceeding or nearing the annual NO₂ objective.
- 8.357. The LBTH Air Quality officer reviewed the Environmental Statement and after some further points of clarification from the applicant in relation to the location of the residential floors has confirmed that the air quality is acceptable. The further information from the applicant confirmed that at the highest polluted location on the northern façade of the northern private tower block, the residential units would not begin until the 3rd floor level where the pollution levels are lower. The GLA Stage 1 report (paragraph 41) raises similar issues about localised air quality exposure.
- 8.358. The construction assessment is acceptable and any relevant dust and emissions mitigation must be included in a Construction Environmental Management Plan, along with a program for dust monitoring. All on site non road mobile machinery must comply with the GLA's emission limits for Non Road Mobile Machinery.
- 8.359. Subject to safeguarding conditions, it is considered that the impacts on air quality are acceptable and any impacts would be outweighed by the regeneration benefits that the development would bring to the area.
- 8.360. As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution

Microclimate

- 8.361. Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 8.362. The Environmental Statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonable level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds.
- 8.363. The wind levels at ground level are generally suitable; however some mitigation and landscaping measures would be required to confirm suitable wind conditions can be provided in the event planning permission was to be granted..

Demolition and Construction Noise and Vibration

- 8.364. The Environmental Statement acknowledges the potential for adverse effects from demolition and construction noise and vibration. Noise and vibration levels as a result of the demolition and construction phase can be minimised by the mitigation methods such as heightened boundary hoarding with good acoustic qualities, liaison with occupants of the adjacent properties, establishment of noise and vibration action levels, periodic monitoring of noise and vibration levels and the

switching off of plant and equipment when not in use which would be employed to ensure that the noise levels are acceptable.

- 8.365. The nearest cumulative schemes to be considered in the Environmental Statement are the schemes at Arrowhead Quay, 40 Marsh Wall and Alpha Square. In the case of 40 Marsh Wall, the development is almost completed. By the time the work on the proposed development could begin, chapter 9 of the ES notes that the noisiest elements of the Arrowhead Quay scheme (piling and excavation) would be complete. It will be important to manage the noisiest works at the application site and Alpha Square. The phasing plan for the proposed development will be requested by condition to minimise demolition and construction noise on surrounding residents.
- 8.366. Demolition and construction works, are likely to include activities that would be likely to increase noise and vibration levels. The submission of a construction management plan and environmental plan via condition would therefore be required to reduce the noise and vibration impacts on the neighbouring properties and ensure that all works are carried out in accordance with contemporary best practice.
- 8.367. Should planning permission be granted there would also be conditions controlling the hours of construction (Monday – Friday 08:00 – 06:00, Saturdays 08:00 – 13:00 and no work on Sundays and Bank Holidays).
- 8.368. Subject to safeguarding conditions, officers consider that the proposed development would therefore not result in the creation of unacceptable levels of noise and vibration during demolition and construction in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

Contaminated Land

- 8.369. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 8.370. The Council's Environmental Health Officer has reviewed the documentation, and advises that subject to conditions to ensure that appropriate mitigation measures are in place there are no objections on the grounds of contaminated land issues. Relevant conditions would be included on any planning permission if granted.

Flood Risk and Water Resources

- 8.371. The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 8.372. The site is located in 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 and means that the site is within a low risk area but is at risk if there was to be a breach in the defences or they were to be overtopped.
- 8.373. The proposal involves a more vulnerable use (i.e. housing). The site is 'allocated' within the Council's Local Plan for a mixed-use redevelopment including for a

substantial element of residential use. As part of that Allocation, a Sequential Test had been undertaken. There have been no material changes in policy or site circumstances to question the continued validity of the conclusions of that test. Accordingly, in accordance with the NPPG a further Sequential Test is not required to support this application.

- 8.374. The application is supported by a Flood Risk Assessment (FRA) and the Environment Agency advise that their most recent study shows that the site is unlikely to flood even in a breach of tidal defences. The FRA demonstrates the development will not increase the risk or severity flooding elsewhere. The Environment Agency advise that the proposed finished floor level (of the ground floor) be set at 3.13m AOD above the level of a 1 in a 1000 year flood event taking account of climate change. The applicant has confirmed that the ground floor finished floor level is well above 3.13m AOD which meets the Environment Agency's requirements. Were the application to be approved, this could be conditioned appropriately.
- 8.375. In relation to surface water run-off, the sustainable drainage officer has no objection to the proposal and advises that the green roofs are secured by way of condition. The surface water management requirements should be controlled by way of condition. Thames Water advises that conditions could also appropriately address water demand and wastewater capacity.
- 8.376. In summary, subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

Television and Radio Service

- 8.377. The impact of the proposed development on the television reception of surrounding residential areas must be considered and incorporate measures to mitigate any negative impacts should it be necessary.
- 8.378. Appendix 2.4 of Volume 4 of the Environmental Statement provides a note which scopes out the TV and radio interference. Given the existing Canary Wharf cluster and the height of the proposed development (the northern tower is 142.940m AOD), any effects would only occur between the site and 25 Bank Street. There are no residential receptors between the site and 25 Bank Street and now wider effects are anticipated in relation to terrestrial television reception.
- 8.379. DLR have requested conditions are attached regarding DLR radio communications in order to mitigate any potential effects on DLR communications. These will be included on any planning permissions if granted.

London City Airport Safeguarding Zone

- 8.380. London City Airport has raised no safeguarding objection to the scheme subject to appropriate conditioning relating to cranes in terms of construction methodology and details of the use of cranes and location, maximum operating height of crane and start/finish dates during the development. In addition, a compliance condition will also be attached in terms of building heights.

Health Considerations

- 8.381. Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 8.382. Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.383. Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- a) Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - b) Providing high-quality walking and cycling routes.
 - c) Providing excellent access to leisure and recreation facilities.
 - d) Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - e) Promoting and supporting local food-growing and urban agriculture.
- 8.384. As detailed in the previous section, the proposed development would promote sustainable modes of transport, improve permeability through the site, provide communal amenity space and provide sufficient play space for children. It is therefore considered that the proposed development as a consequence would broadly promote public health within the borough in accordance with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Impact upon local infrastructure / facilities

- 8.385. Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Planning Obligations SPD (2016) sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 8.386. The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and,
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.387. Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.388. Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.389. The Council's Planning Obligations Supplementary Planning Document (2016) carries weight in the assessment of planning applications. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. This identifies the council's priorities as Affordable housing, Sustainable transport, publicly accessible open space, education, health, training, employment and enterprise etc.

8.390. The SPG seeks planning obligations for the following priority areas which are not covered by CIL:

- Affordable Housing (and wheelchair accessible accommodation)
- Employment, Skills, Training and Enterprise
- Transport and highways
- Public access and children's play space
- Environmental sustainability

8.391. The proposal would also be subject to an LBTH Community Infrastructure Levy. The types of infrastructure project that may be partly or wholly funded by CIL can include:

- Public education
- Community and leisure facilities
- Public open space
- Road and other transport facilities
- Health facilities

8.392. The development is predicted to have a population yield of 77 children which will generate additional demand for school places. The development is also predicted to generate some jobs once the development is complete. Therefore, the development will place some additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene.

8.393. As outlined in the following section financial contribution section of the report LBTH CIL is now applicable to the development would help mitigate the above impacts.

8.394. The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:

- Enterprise and Employment Skills and Training;
- End User;
- Carbon Off-Set
- Bus Contributions
- Monitoring contribution

8.395. The applicant has also offered 36% affordable housing by habitable room with a tenure split of 71:29 between affordable rented and shared ownership housing at LBTH rent levels. This offer has been independently viability tested and the information submitted is considered insufficient to confirm that it maximises the affordable housing levels in accordance with relevant policy.

8.396. A Development viability review clause to identify and secure any uplift of Affordable Housing if the development has not been implemented within 48 months from the grant of permission (with the definition of 'implementation' to be agreed as part of s.106 negotiations) would also be secured should permission be granted.

8.397. The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme) and residential and workplace travel plans.

8.398. The financial contributions offered by the applicant are summarised in the following table:

Heads	Planning obligation financial contribution
Employment, Skills, Construction Phase Skills and Training	£94,648
Access employment and end user	£3,253.80
Carbon off set initiatives	£39,996
Local Bus Service	£100,000
Monitoring	£8,500
Total	£246,397.80

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

OTHER

Financial Considerations

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

8.400. Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

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

8.401. Section 70(4) defines “local finance consideration” as:

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

8.402. In this context “grants” might include New Homes Bonus.

8.403. These are material planning considerations when determining planning applications or planning appeals.

8.404. As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate Mayoral CIL contribution is estimated to be around £493,357.78.

8.405. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a

proportion of the Council tax that each unit would generate over a rolling six year period. The estimated Borough CIL contribution for this development is approximately £2,786,238.44.

- 8.406. Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £329,626.00 00 in the first year and a total payment of £1,977,755.00 over 6 years.

Human Rights Considerations

- 8.407. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 8.408. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 8.409. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.410. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 8.411. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.412. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.413. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the

European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

- 8.414. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

Equalities Act Considerations

- 8.415. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, *inter alia*, when determining all planning applications. In particular the Committee must pay due regard to the need to:

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

- 8.416. The provision of residential units and commercial floor space, within the development meets the standards set in the relevant regulations on accessibility. In addition, all of the residential units would comply with Life Time Home Standards. Of the residential units proposed within the development, 10% would be wheelchair accessible/adaptable. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.

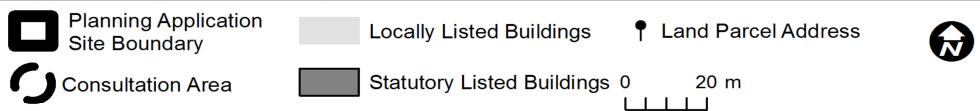
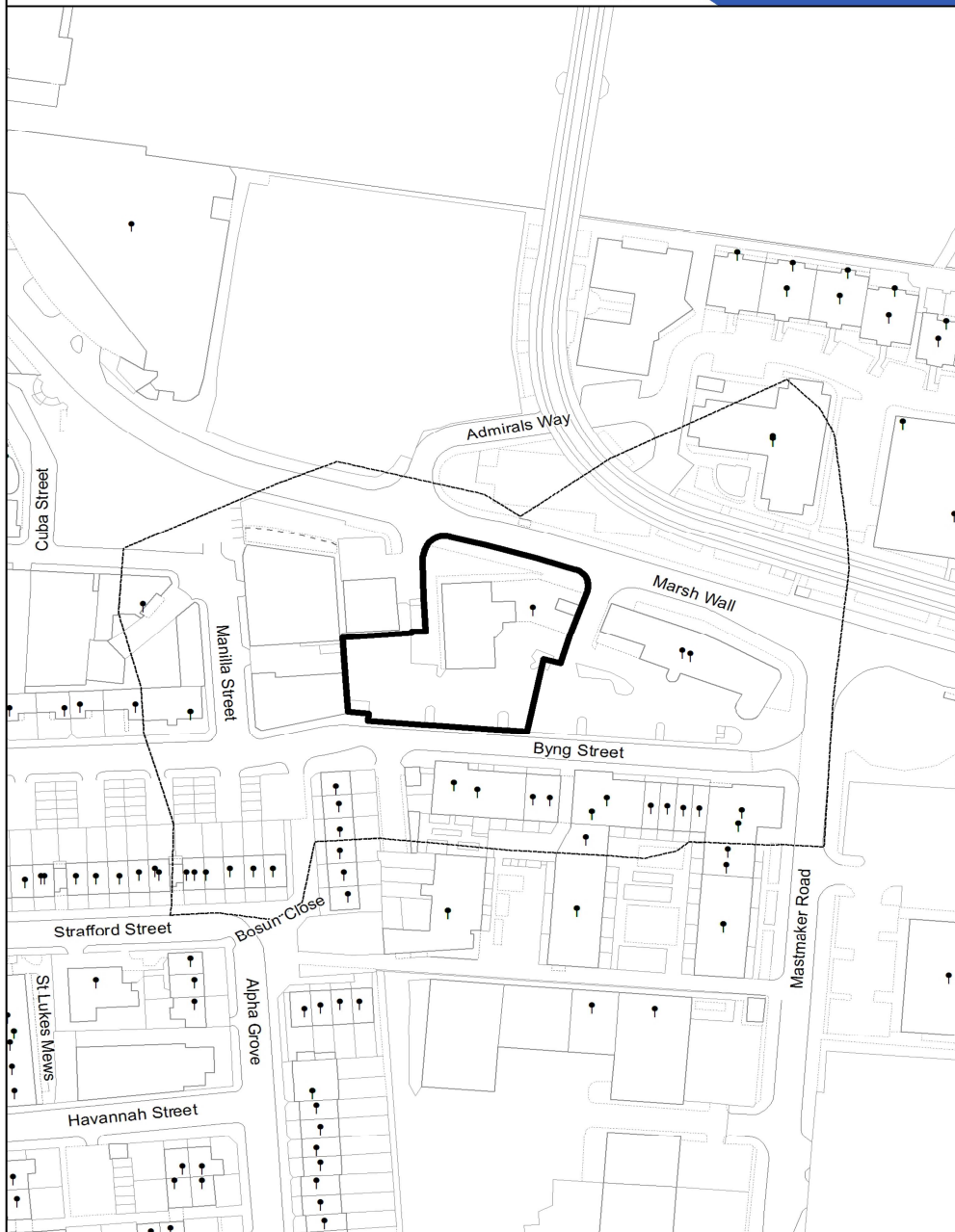
- 8.417. The introduction of publically accessible north – south route with associated public realm would also increase permeability and promote social cohesion across the site and within the borough generally.

- 8.418. The proposed development and uses as a consequence are considered to have no adverse impacts upon equality and social cohesion.

9.0 Conclusion

- 9.1 All other relevant policies and considerations have been taken into account. Planning Permission should be **GRANTED** for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

Planning Application Site Map
PA/16/01637



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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APPENDIX 2

List of plans for approval

Schedule of Drawings

T(90)P000 Site location plan
T(90)P001 Existing site plan
T(10)E001 Existing elevations
T(10)P001 Existing roof plan
T(90)P002 Proposed site plan
T(20)P-02 A Proposed lower basement
T(20)P-01 A Proposed upper basement
T(20)P000 B Proposed ground floor plan
T(20)P001 B Proposed first floor plan
T(20)P002 Proposed second floor plan
T(20)P003-P011 Proposed third to eleventh floor plan
T(20)P012 Proposed twelfth floor plan
T(20)P013 A Proposed thirteenth floor plan
T(20)P014 Proposed fourteenth floor plan
T(20)P015 Proposed fifteenth floor plan
T(20)P016 A Proposed sixteenth floor plan
T(20)P017 A Proposed seventeenth to thirty third floor plan
T(20)P034-P035 Proposed thirty-fourth to thirty-fifth floor plan
T(20)P036-P040 Proposed thirty-sixth to fortieth floor plan
T(20)P041 Proposed forty first plan
T(20)P042 A Proposed roof plan
T(20)E001 B Proposed east elevation
T(20)E002 A Proposed north elevation
T(20)E003 A Proposed west elevation
T(20)E004 A Proposed south elevation (of north tower)
T(20)E005 A Proposed south elevation
T(20)E006 A Proposed north elevation (south tower)
T(20)E007 A Proposed East Elevation in Context
T(20)E008 Proposed South Elevation in Context
T(20)E009 Proposed North Elevation in Context
T(20)E010 A Proposed East Elevation - Base of the Building
T(20)E011 Proposed South Elevation - Base of the Building
T(20)E012 Proposed North Elevation - Base of the Building
T(20)S001 Proposed building in context (sections 1 and 2)
T(20)S002 Proposed building in context (sections 3 and 4)
T(20)S003 Proposed section A
T(20)S004 Proposed section B
T(21)DE001 Cladding Bay Study 17th to 18th Floors- North Tower
T(21)DE002 Cladding Bay Study 34th to 35th Floors- North Tower
T(21)DE003 Cladding Bay Study 2nd to 4th Floors- North Tower
T(20)PW01 Wheelchair flats general arrangement
T(20)PW02 Wheelchair flats affordable rented units
L.100 Rev E Illustrative Landscape Masterplan – ground floor
L.101 Rev B Illustrative Landscape Masterplan – ground floor with future open space
L.110 Rev D Illustrative Landscape Masterplan – roof plan
L.200 Rev D Hard and soft landscape general arrangement plan – ground floor
L.210 Rev B Hard and soft landscape general arrangement plan – roof plan
L.400 Rev A Proposed ground floor sections – sheet 1 of 2
L.401 Rev A Proposed ground floor sections – sheet 2 of 2

L.402 Proposed ground floor sections – sheet 3 of 3
L.410 A Proposed roof sections – 14th floor
L.411 A Proposed roof sections – 16th floor
L.600 B Proposed levels and drainage intent – ground floor

Schedule of Documents

Environmental Statement Non-Technical Summary prepared by Rolfe Judd dated June 2016
Environmental Statement (Volumes I, II and IV) prepared by Rolfe Judd dated June 2016
Planning Statement dated June 2016
Schedule of accommodation rev G prepared by Rolfe Judd
Statement of Community Involvement dated April 2016
Transport Assessment prepared by Motion Transport dated 09/06/2016
Residential Travel Plan prepared by Motion Transport dated 09/06/2016
Framework Delivery and Servicing Management Plan prepared by Motion Transport dated 09/06/2016
Letter dated 7th September 2016 prepared by Motion Transport.
Energy Strategy prepared by Watkins Payne dated September 2016
Code for Sustainable Homes Pre-assessment – November 2010 prepared by Watkins Payne dated September 2016
Landscape Statement dated February 2016 prepared by Fabrik
Preliminary Sustainability Statement by Watkins Payne
Surface Water Drainage proforma
DER worksheets
Carbon email correspondence
CHP confirmation correspondence
Building Regulation worksheets