

Strategic Development Committee



Agenda

Tuesday, 10 January 2023 6.30 p.m.
Council Chamber - Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

The meeting will be broadcast live on the Council's website. A link to the website is here - <https://towerhamlets.public-i.tv/core/portal/home>

Attendance at the meeting venue is also available on a first come, first served basis.

Details of the how the meeting will work, including ways of contributing to this meeting, are set out in the information sheet.

Chair:

Councillor Amin Rahman

Vice Chair:

Councillor Gulam Kibria Choudhury

Members:

Councillor Kamrul Hussain, Councillor Abdul Wahid, Councillor Kabir Hussain, Councillor Sabina Akhtar, Councillor Rachel Blake, Councillor Mufeedah Bustin and Councillor Shubo Hussain

Substitute Members:

Councillor James King, Councillor Amina Ali, Councillor Amy Lee, Councillor Suluk Ahmed, Councillor Harun Miah and Councillor Maium Talukdar

(The quorum for the Committee is 3)

The deadline for registering to speak is **4pm Friday, 6 January 2023**

The deadline for submitting information for the update report is Noon **Monday, 9 January 2023**

Contact for further enquiries:

Democratic Services To view the meeting on line: <https://towerhamlets.public-i.tv/core/portal/home>, Joel.West@towerhamlets.gov.uk Tel: 020 7364 4207 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
<http://www.towerhamlets.gov.uk/committee>



Meeting Webcast

This meeting will take place in a phase of the Council's move to the new Whitechapel Town Hall. Members of the public can attend the meeting in person, but the meeting [may/will] not be webcast.

Attendance at Meetings

Members of the public who wish to follow the meeting are strongly encouraged to attend in person. Available seats will be allocated on a first-come-first-served basis. The venue for this meeting is as shown on the agenda front sheet.

View Planning application documents here:

https://www.towerhamlets.gov.uk/ignl/planning_and_building_control/planning_applications/planning_applications.aspx

Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

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Audio/Visual recording of meetings.

Should you wish to film the meeting, please contact the Committee Officer shown on the agenda front page.

Mobile telephones

Please switch your mobile telephone on to silent mode whilst in the meeting.

Meeting access/special requirements.

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. For further information, contact the Officers shown on the front of the agenda.



Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

London Borough of Tower Hamlets

Strategic Development Committee



Tuesday, 10 January 2023

6.30 p.m.

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS (Pages 5 - 6)

Members are reminded to consider the categories of interest in the Code of Conduct for Members to determine whether they have an interest in any agenda item and any action they should take. For further details, please see the attached note from the Monitoring Officer.

Members are reminded to declare the nature of the interest and the agenda item it relates to. Please note that ultimately it's the Members' responsibility to declare any interests form and to update their register of interest form as required by the Code.

If in doubt as to the nature of your interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 7 - 16)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 1 December 2022.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 17 - 20)



To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Place along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
- 3) To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.

PAGE NUMBER	WARD(S) AFFECTED
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4. DEFERRED ITEMS

5. PLANNING APPLICATIONS FOR DECISION

5.1	PA-21-02777 East India Dock Committee Report	21 - 58	Poplar
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Proposal

PA-21-02777: A planning application for:

Erection of a data centre (Use Class B8) adjacent to East India Dock House with a connecting bridge over Nutmeg Lane to the existing London East building and other associated works including landscaping, car and cycle parking, refuse storage and lighting.

Recommendation:

Grant planning permission subject to conditions.

Next Meeting of the Strategic Development Committee

Wednesday, 1 February 2023 at 6.30 p.m. to be held in the New Town Hall
160 Whitechapel Road, London E1 1BJ



Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: Janet Fasan, Divisional Director Legal and Interim Monitoring Officer Tel: 0207 364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 1 DECEMBER 2022

**COUNCIL CHAMBER - TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Amin Rahman (Chair)
Councillor Gulam Kibria Choudhury (Vice-Chair)
Councillor Kamrul Hussain
Councillor Abdul Wahid
Councillor Sabina Akhtar
Councillor Mufeedah Bustin
Councillor Shubo Hussain
Councillor Suluk Ahmed

Other Councillors Present:

Councillor Shafi Ahmed
Councillor Peter Golds

Apologies:

Councillor Kabir Hussain
Councillor Rachel Blake

Officers Present:

Ian Austin – (Principal Lawyer for Planning)
Jerry Bell – (Area Planning Manager (East), Planning and Building Control, Place)
Paul Buckenham – (Head of Development Management, Planning and Building Control, Place)
Conor Guilfoyle – (Senior Planning Officer, Planning and Building Control, Place)
Gareth Gwynne – (Area Planning Manager (West), Planning and Building Control, Place)
Rikki Weir – (Principal Planning Officer, Planning and Building Control, Place)
Joel West – (Democratic Services Team Leader (Committee))

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no declarations of disclosable pecuniary interests.

Councillor Sabina Akhtar, Kamrul Hussain and Shubo Hussain declared they had received direct representations from interested parties on Item 5.2, Royal Mint Court.

Councillor Kamrul Hussain asked the Committee to note that Item 5.2 Royal Mint Court was in his ward (Whitechapel).

2. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 19 October 2022 were agreed and approved as a correct record.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

RESOLVED that:

1. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Place along the broad lines indicated at the meeting; and
2. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
3. To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.

4. DEFERRED ITEMS

There were no deferred items.

5. PLANNING APPLICATIONS FOR DECISION

5.1 South Dock Bridge, London (PA/21/00885)

Update report was noted.

Paul Buckenham introduced the report for construction of a new pedestrian footbridge to connect South Quay and Canary Wharf in Isle of Dogs, to align with Upper Bank Street on the north bank of the London South Dock, and the Berkeley Homes 'South Quay Plaza' scheme on the south bank, including landscaping on Upper Bank Street and other associated works

Conor Guilfoyle, Planning Officer, provided a presentation on the application. The Committee were reminded of the key features of the application, including photographs of the site and surrounds. The Officer's recommendation was to grant planning permission subject to conditions.

The Chair invited Andrew Wood to address the meeting in objection to the application. He explained that whilst he supported the bridge, he had concerns about:

- Unauthorised cycling on the bridge. Fears signage would not prevent this creating a danger to crossing pedestrians. A preferred option would be a segregated cycle lane.
- Late at night delivery scooters using the bridge illegally.
- Reduction in the amount of water space for sea scouts. Lack of clarity as to how they would access the dock to the other side of the bridge and access the water on weekends or during periods of maintenance.
- Lack of clarity as to who would have responsibility for bridge maintenance.

The Chair invited Louise Plant to address the meeting in support of the application. She highlighted the following:

- The bridge would improve connectivity, reduce congestion on the Docklands Light Railway and on the existing bridges, improve pedestrian access to jobs, retail and other services in Canary Wharf.
- The principle of establishing a new bridge was supported in the Local Plan.
- Over ninety per-cent of respondents were in favour of the development.
- Cycle access will be controlled through appropriate measures and signage and will be subject to further consultation.
- Sea scouts had been engaged at the design stages of the project; there had been dialogue with the scouts about opening the bridge at certain times for their activities.
- The Council would be responsible for maintenance. A third party operator was being sought to operate and maintain the bridge once delivered.

Further to questions from Committee Members, officers provided more information on:

- Approach to concerns regarding illegal moped use.
- Anticipated impact on mooring space at the site and proposed options to mitigate it.
- Responsibility for maintenance of the bridge and the role of recommended conditions to enforce this.
- Non- financial contributions and associated policies. The Council as planning authority had to treat all applications the same and could not insist on enhanced contributions from a Council application.
- The bridge operation and maintenance condition. It was anticipated the bridge would open two times on average per week,
- Anticipated disruption to residents and the environment during construction.

- How the proposal would facilitate opportunities for economic and social growth in the area.

Further to questions from Committee Members regarding cycling and moped use, the applicants' representatives reported that there would be CCTV surveillance on the bridge to discourage illegal use.

Councillors debated the application and made the following points:

- Construction of the Bridge was welcomed by residents of the Isle of Dogs.
- Concerns about cycle access had not been allayed. The Committee asked that:
 - the options for cycling, including for those with disabilities, be explored further and include input from local disability charities; and
 - an associated condition be attached to enforce this.

On a unanimous vote the Officers' recommendation as set out in the main report and as amended in the update report to **GRANT** planning permission was agreed, subject to an additional condition requiring details of the cycling strategy and associated review mechanism.

It was therefore **RESOLVED** that the planning application be **GRANTED** at South Dock Bridge (Land on the north and south side of South Dock, including dock area and Upper Bank Street) for the following development:

- Construction of a new pedestrian footbridge to connect South Quay and Canary Wharf in Isle of Dogs, to align with Upper Bank Street on the north bank of the London South Dock, and the Berkeley Homes 'South Quay Plaza' scheme on the south bank, including landscaping on Upper Bank Street and other associated works.

Subject to:

1. The conditions and informatives set out in the officers' report and update report; and
2. an additional condition requiring details of the cycling strategy and associated review mechanism.

At this point in the meeting, the Chair **moved** that the meeting be adjourned for five minutes. This was **AGREED** without further discussion. The meeting adjourned at 7.20pm and resumed at 7.25pm.

5.2 Royal Mint Court, London, EC3N 4QN (PA/21/01327 & PA/21/01349)

Update report was noted.

Paul Buckenham introduced the report for the redevelopment of the site to provide an embassy (Sui Generis use class), involving the refurbishment and restoration of the Johnson Smirke Building (Grade II* listed), partial demolition, remodelling and refurbishment of Seaman's Registry (Grade II

listed), with alterations to the west elevation of the building, the retention, part demolition, alterations and extensions to Murray House and Dexter House, the erection of a standalone entrance pavilion building, alterations to the existing boundary wall and demolition of substation, associated public realm and landscaping, highway works, car and cycle parking and all ancillary and associated works.

Rikki Weir, Planning Officer, provided a presentation on the application. The Committee were reminded of the key features of the application, including photographs of the site and surrounds. The Officer's recommendation was to grant planning permission

The Chair invited Sue Hughes, Dave Lake, Naz Islam and Simon Cheng to address the meeting in objection to the application. They highlighted concerns over the following:

- Inadequate amount of space outside site's perimeter for protestors giving rise to concerns over road management including if protestors spill onto the carriageway itself the police will need to close a major road junction
- Location and space surrounding the site; inadequate space to ensure protestors can attend without risking their safety and security and the safety and security local residents.
- Concerns regarding cyber security upon local people and local communities.
- Road congestion and security issues
- Concerns that site security and management of protestors will only be considered and negotiated after planning permission is granted by planning condition, this is too late in the process.
- Concerns regarding the independence of the bomb blast assessment provider and how the blast assessment was procured.
- The restricted 'official sensitive' nature of the bomb blast assessment, means residents and Councillors were not aware of its full content.
- Concerns regarding the freedoms of tenants and leaseholders in properties surrounding the site, some of which have been bought by the Chinese state.
- Concerns regarding privacy to residents from overlooking due to the physical proximity to the rear of the site
- Some local residents' groups and social tenants felt they were excluded from the planning consultation.
- A lack of robust public consultation and planning assessment in relation to security matters was undertaken with this application
- Concerns regarding additional for tenants and leaseholders due to the need for additional security embassy
- Concern local Tower Hamlets Homes residents will incur additional service costs from the arrival of the embassy on Royal Mint Estate
- With such a large embassy in this location the planning application has the potential to curb people's freedoms

The objectors called on committee to reject the application to allow it to be called in by the Secretary of State.

The Chair invited Gary Ashton, Sunny Desai, Graham Laughlan, and Andrew Clark to address the meeting as the applicant's representatives. They highlighted the following:

- The proposal is fully aligned with the Council planning policies; Council officers had recognised this and recommended approval.
- The proposed embassy use was in line with the provisions of the development plan; the nation(s) that occupy the embassy was not a planning matter.
- Statutory consultees had indicated they were satisfied with the proposal and the conditions to address issues that had been identified through consultation.
- The impact of covid restrictions on resident consultation activities.
- The site had been vacant for nearly a decade, proposal would revitalise the site, would protect and preserve historic buildings.
- Proposals for cultural and heritage installations and exhibition space which had been curated with stakeholders to communicate the unique history of the site.
- Proposals were developed in consultation with Met police. Applicant understood the Council had commissioned further independent advice from security experts. The Metropolitan Police had not objected to the application.
- Council's heritage officer had confirmed the proposal for an embassy in this location was acceptable.
- All aspects of the proposal had been thoroughly and independently assessed by the relevant bodies to ensure the proposals met the highest standards
- The key architectural principles for the scheme and how the applicant felt they would improve the area, the pedestrian experience, the overall composition of the campus, and enhance the setting and the heritage assets. The officers' report demonstrated Council officers and the GLA agree; Historic England support the proposals in heritage terms,
- Further details of the proposal's sustainable development and carbon reduction initiatives.
- Further details of the package of benefits to be secured including apprenticeships and employment opportunities, funding towards employment skills training for local people, CCTV, public realm and greening.

The Chair invited Councillor Shafi Ahmed and Councillor Peter Golds to address the meeting in objection to the application. They highlighted the following:

- Alleged errors in the officer's report regarding archaeological elements of the proposal site.
- Inadequate measures to ensure safety of embassy and protestors.
- Historic Royal Palaces had expressed concerns with the proposal.

- GLA had expressed concerns regarding compliance with the London Plan.
- The proposed proximity to Tower Bridge and Tower of London presented a reputational risk to the Borough, as the site likely to be subject to frequent demonstrations and protests. An alternative site away from tourist attractions would be more suitable. Crowds would also impact residents trying to go about with their daily lives
- Contest the scheme would conserve and safeguard the Outstanding Universal Value of the world heritage site
- Impact on highways, traffic and congestion.
- Large gathering of crowds will cause public realm damage and effect people's daily lives
- Concern post the incident in Manchester over applicant's ability to control their personnel
- Inadequate and failed consultation with residents and local Councillors.

Further to questions from Committee Members, planning officers provided more information on:

- Protest management conditions and input/analysis from TFL.
- The likely impact on roads and congestion from the increase in parking spaces.
- Separation distances policy and recommendations.
- Plans to prevent over-congestion during the construction process.
- More details on the heritage assessment. Overall assessment was the proposals would improve and enhance heritage.
- Work to ascertain the likely frequency of protests. TFL and Met Police were satisfied the site can cope.
- Further details of consultation meetings attendance.
- Further details of ecological survey and access to heritage site of the different installations.
- The procurement process for the Council's commissioned blast assessment
- Anticipated impact on local residents around the site of the freehold acquisition by the Chinese state, including non-application of the Vienna Convention.
- How financial and non-financial obligations could be used to secure local value and benefits.
- The interpretation of planning policy on protection of heritage assets, buffer zones; the input of Historic England and its relevance to this matter. The overall conclusion was the proposal protects and enhances the setting to the world heritage sites.
- The role of the Council and Secretary of State in determination of the planning application. Officers asked the Committee to note that the Council was the relevant planning authority and had no authority to request or to influence the Secretary of State to determine this matter.

Further to questions from Committee Members, objectors provided more information on:

- Communications between the applicant and local residents in the consultation stage.

The Chair invited Inspector Lukvinder Singh (Metropolitan Police) to address the meeting to respond to concerns raised relating to crime and policing. Inspector Singh provided responses on the following:

- Protest and event management strategies to ensure residents' protection.
- Likely impact of protests or a breach of security on local policing and how response would be coordinated.
- Mitigation measures to prevent hostile attacks.
- Rationale for the restriction placed on documentation regarding security assessment.
- Risk assessment and modelling for protests. Met Police were confident these could be managed and additional resources could be called-upon if necessary.

Councillors debated the application and made the following points:

- The risk of large crowds and demonstrators coming to the Borough would exacerbate over congestion in the local area, especially on The Highway.
- The existence of an embassy on the site would put residents' safety and security at risk.
- Tower Hamlets already suffered with high crime. Policing demonstrations would place an additional burden on the borough's policing resources.
- Any damage resulting from bomb blasts would place additional funding strains on the Council if it had to repair buildings affected.
- Some elements of the proposal were welcomed, specifically the bringing back into usage of a site which had been out of use for nearly ten years; works to protect and preserve architectural elements; and its sustainability and carbon reduction proposals.
- The responses from officers and other participants had not provided satisfactory responses to members concerns that the scheme adequately conserves, promotes and enhances the Outstanding Universal Value of the World Heritage Site, including the authenticity integrity and significance of their objectives and supports these goals through their management and protection

At this point in the meeting, the Chair **moved** that the Committee agree an extension of up to one-hour to conclude the application. This was **AGREED** without further discussion.

At this point in the meeting, the Chair **moved** that the meeting be adjourned for five minutes. This was **AGREED** without further discussion. The meeting adjourned at 9.30pm and resumed at 9.35pm.

PA/21/01327

On a unanimous vote the Officers recommendation to **GRANT** planning permission was **not agreed**.

Councillor Gulam Kibria Chowdhury moved and Councillor Kamrul Hussain seconded to **REFUSE** the application. On a vote of 7 in favour, 0 against with 1 abstention, it was **RESOLVED** that the planning application be **REFUSED** at Royal Mint Court, London, EC3N 4QN for the following development:

- Redevelopment of the site to provide an embassy (Sui Generis use class), involving the refurbishment and restoration of the Johnson Smirke Building (Grade II listed), partial demolition, remodelling and refurbishment of Seaman's Registry (Grade II listed), with alterations to the west elevation of the building, the retention, part demolition, alterations and extensions to Murray House and Dexter House, the erection of a standalone entrance pavilion building, alterations to the existing boundary wall and demolition of substation, associated public realm and landscaping, highway works, car and cycle parking and all ancillary and associated works.

The reasons for the resolution to refuse are as follows:

- Impact on residents safety and security
- Impact on heritage assets both within the application site and around the site.
- Impact on the location as the key borough tourist destination Impact and strain on local police resources.
- Congested nature of the area and interrelationship that has with safety and security

PA/21/01349

On a vote of 3 in favour, 5 against the Officers recommendation to **GRANT** permission for listed building consent was **not agreed**.

Councillor Suluk Ahmed moved and Councillor Abdul Wahid seconded to **REFUSE** the application for listed building consent. On a vote of 5 in favour, 2 against with 1 abstention, it was **RESOLVED** that the listed building consent be **REFUSED** at Royal Mint Court, London, EC3N 4QN for the following development:

- Redevelopment of the site to provide an embassy (Sui Generis use class), involving the refurbishment and restoration of the Johnson Smirke Building (Grade II listed), partial demolition, remodelling and refurbishment of Seaman's Registry (Grade II listed), with alterations to the west elevation of the building, the retention, part demolition, alterations and extensions to Murray House and Dexter House, the erection of a standalone entrance pavilion building, alterations to the

existing boundary wall and demolition of substation, associated public realm and landscaping, highway works, car and cycle parking and all ancillary and associated works.

The reasons for the resolution to refuse are that this application is intrinsically linked to the planning application PA/21/01327 to create an embassy on the site.

The meeting ended at 10.10 p.m.

Chair, Councillor Amin Rahman
Strategic Development Committee



DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson. Members of the public in support	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection. It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under [Council Constitution, Part C Section 35](#) Planning Code of Conduct

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair’s discretion. The procedure for considering applications for decision shall be as follows:
Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will introduce the item with a brief description.
- (2) Officers will present the report supported by a presentation.
- (3) Any objections that have registered to speak to address the Committee
- (4) The applicant and or any supporters that have registered to speak to address the Committee
- (5) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (6) The Committee may ask points of clarification of each speaker.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council’s website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none"> • Development Committee Procedural Rules – Part C of the Council’s Constitution Section 35 Appendix B. • Terms of Reference for the Development Committee - Part B of the Council’s Constitution Section 19 (7). 	 <p>Council’s Constitution</p>

Public Information – ‘Accessing and Participating in Remote’ Meetings

The meeting is due to be held as a ‘remote meeting’ through the Microsoft Teams app in accordance with:

- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, allowing for remote Committee Meetings.

The following guidance provides details about the operation of the virtual Strategic and Development Committee Meetings.

Publication of Agenda papers and meeting start time.

Electronic copies of the Committee agenda will be published on the Council’s Website on the relevant Committee pages at least five clear working days before the meeting. In the event of a technical difficulty, the meeting arrangements may need to be altered at short notice (such as a delay in the start time). Where possible any changes will be publicised on the website.

A link to the electronic planning file can be found on the top of the Committee report. Should you require any further information or assistance with accessing the files, you are advised to contact the Planning Case Officer.

How can I watch the Committee meeting?

Except when an exempt item is under discussion, the meeting will be broadcast live for public viewing via our Webcasting portal <https://towerhamlets.public-i.tv/core/portal/home>. Details of the broadcasting arrangements will be published on the agenda front sheet. The meeting will also be available for viewing after the meeting. Physical Attendance at the Town Hall is not possible at this time

How can I register to speak?

Members of the public and Councillors may address the meeting in accordance with the Development Committee Procedure Rules. (Details of the process are set out on the next page). Please note however, that it may not usually be possible to arrange for additional speaking rights and late requests to speak, particularly those received during or shortly before a meeting.

Should you wish to address the Committee, please contact the Democratic Services Officer to register to speak by the deadline, who will assist you to join the meeting. It is recommended that you supply the Officer with a copy of your representation in case you lose connection. You may address the Meeting via Teams. You have the option of joining through a video link or by audio only.

(Please note that if you participate at the meeting, you must be able to hear and be heard by the other participants attending remotely).

Where participation through video or audio tools is not possible, please contact the Democratic Services officer by the deadline to discuss the option of:

- Submitting a written statement to be read out at the meeting.

You may also wish to consider whether you could be represented by a Ward Councillor or another spokesperson.

Microsoft Teams:

This is a Microsoft Teams Event. If you are using a Laptop or PC or a mobile device, you may join via the website. Should you require assistance please contact the relevant Democratic Services Officer who will be able to assist you further.

Procedure at the Committee meeting.

Participants (contributors) in the virtual meeting are expected to log in to the meeting in advance of the start time of the meeting, as set out in the guidance that will be provided by the Democratic Services Officer, when you register to speak. This is in order to check the connection. You will be expected to confirm your identity before the meeting starts.

The Chair will formally open the meeting and will introduce themselves and every participant. The Chair will then set out the expected meeting etiquette, including the following:

- When speaking for the first time, participants should state their full name before making a comment.
- To only speak at the invitation of the Chair.
- The method for indicating how to speak.
- If referring to a specific page of the agenda pack, you should mention the page number.
- All participants microphones must be muted when not speaking.
- Where necessary, participants may switch off their cameras when not speaking to save bandwidth.
- Participants **must alert** the Chair/Democratic Services Officer if they experience technical difficulties, particularly a loss of connection, or if they need to leave the meeting, as soon as possible. Where a key participant experiences a loss of connection, the Chair may adjourn the meeting until such a time the participant can re-join the meeting. A key participant is defined as a participant whose continuing contribution to the meeting is vital to allow a decision to be made.

The Chair, following consultation with Democratic Services and the Legal Advisor, may adjourn the virtual meeting for any reason should they consider that it is not appropriate to proceed.

The format for considering each planning application shall, as far as possible, follow the usual format for Strategic and Development Committee Meetings, as detailed below.

- Officers will introduce the item with a brief description, and mention any update report that has been published.
- Officers will present the application supported by a presentation
- Any objectors that have registered to speak to address the Committee, (including Officers reading out any written statements)
- The applicant or any supporters that have registered to speak to address the Committee, (including Officers reading out of any written statements)
- Committee and Non Committee Members that have registered to speak to address the Committee.
- The Committee may ask points of clarification of each speaker.
- The Committee will consider the item (Questions and Debate)
- Voting. At the end of the item, the Chair will ask the Committee to vote on the item. The Chair will ensure that all Members are clear on the recommendations, have heard all of the presentation and submissions. The Chair will conduct a roll call vote, asking each Committee Member to indicate their vote, (for, against, or abstain)
- The Democratic Services Officer will record the votes and confirm the results to the Chair.

For Further Information, contact the Democratic Services Officer shown on the agenda front sheet.



Application for Planning Permission

[click here for case file](#)

Reference	PA/21/02777
Site	Land adj. East India Dock House, 240 East India Dock Road
Ward	Poplar
Proposal	Erection of a data centre (Use Class B8) adjacent to East India Dock House with a connecting bridge over Nutmeg Lane to the existing London East building and other associated works including landscaping, car and cycle parking, refuse storage and lighting.

Summary Recommendation	Grant condition planning permission subject to conditions and S106 obligations.
Applicant	Global Switch
Architect/agent	TTSP/Stantec
Case Officer	Victoria Coelho
Key dates	- Application registered as valid on 13/01/2022 - Public consultation finished on 17/02/2022

EXECUTIVE SUMMARY

The application site comprises East India Dock House (Grade II*) and its surrounding land which includes an area of landscaping to the north and an area of car parking to the south. The site is bound to the north by the A13/East India Dock Road, to the east by Nutmeg Lane beyond which lies 'London East' Data Centre. The south of site is bound by a water feature and the Office buildings of Clove Crescent (Mulberry Place and Lighterman House and the Import and Export buildings). To the west of the site is the Blackwall Tunnel Approach.

Planning permission is sought for 'Erection of a data centre (Use Class B8) with a connecting bridge over Nutmeg Lane to the existing London East building and other associated works including landscaping, car and cycle parking, refuse storage and lighting. The proposal is to be constructed on the car park adjacent to East India Dock House which is included within the red line application boundary, however no alterations or extensions are proposed to the building itself. The proposed siting of the new data centre would be located to the south of the East India Dock House, an area of existing car parking.

The proposed development would provide a new data centre (use class B8), providing approximately 27,000 sqm of floorspace within a part six and part seven storey building plus basement level and rooftop plant. The building would have an overall height of approximately 51.2m AOD to the top of the parapet and 56.8m AOD to the top of the plant screen. A pedestrian connecting bridge over Nutmeg Lane is proposed to the London East building at first storey height.

In land use terms the application is supported by both strategic and local policy, which seek to ensure London has sufficient data centre capability to support a growing economy. The site's proximity to Canary Wharf and City of London make it highly desirable and the agglomeration of data centres in this location would ensure efficiencies in the communications infrastructure.

The height, scale, and mass of the proposal would respond well to the surrounding buildings and contribute to a coherent townscape. The building would cause less than substantial harm on the setting of the Grade II* East India Dock House, which is outweighed by the public benefits of the scheme.

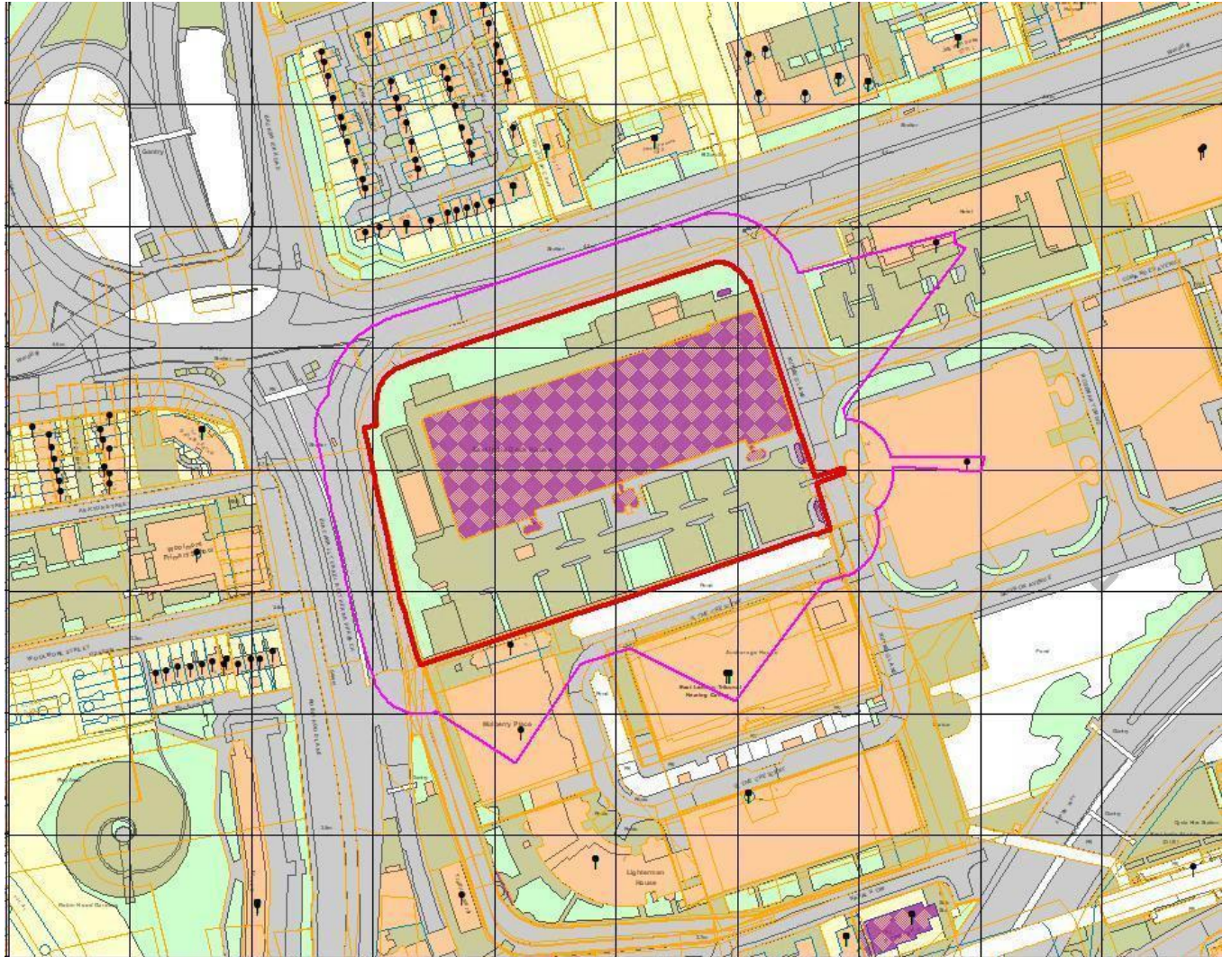
The layout and access to the site would be acceptable and would not have any detrimental impact with respect to daylight/sunlight, privacy or noise to surrounding properties.

The proposal would be 'car free' with the exception of Blue Badge spaces, there would be a net reduction in the number of car parking spaces on site. The proposal would not cause any adverse impacts on the highway network or public transport network.

Environmental impacts including air quality, energy and sustainability, wind microclimate and sustainability have been considered and subject to appropriate mitigation measures, are acceptable.

The application has been considered against the Council's adopted planning policies contained in the London Borough of Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits (January 2020), the London Plan (2021), the National Planning Policy Framework and all other relevant material considerations.

Officers recommend that the proposed development be granted planning permission subject to conditions and obligations identified to be secured via a S106 agreement.



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

Planning Applications Site Map PA/21/02777

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process

Scale : 50m grid squares



TOWER HAMLETS

London Borough
of Tower Hamlets

Date: 22 December 2022

1. SITE AND SURROUNDINGS

- 1.1 The site is located within the existing Global Switch Data Centre Campus to the south of East India Dock Road, which currently comprises two Data Centres – London North (East India Dock House) and London East.
- 1.2 The application site comprises East India Dock House and its surrounding land which includes an area of landscaping to the north and an area of car parking to the south. The site is bound to the north by the A13/East India Dock Road, to the east by Nutmeg Lane beyond which lies 'London East' Data Centre. The south of site is bound by a water feature and the Office buildings of Clove Crescent (Mulberry Place and Lighterman House and the Import and Export buildings). To the west of the site is the Blackwall Tunnel Approach.



View A - From South East



View B - From North East



View C - From North West

2. PROPOSAL

- 2.1 Planning permission is sought for 'Erection of a data centre (Use Class B8) with a connecting bridge over Nutmeg Lane to the existing London East building and other associated works including landscaping, car and cycle parking, refuse storage and lighting.
- 2.2 East India Dock House (London North) is included with the red line application boundary; however no alterations or extensions are proposed to the building itself.



- 2.3 The proposed development would provide a new data centre (use class B8), providing approximately 27,000 sqm of floorspace within a part six and part seven storey building plus basement level and rooftop plant. The building would have an overall height of approximately 51.2m AOD to the top of the parapet and 56.8m AOD to the top of the plant screen. A pedestrian connecting bridge over Nutmeg Lane is proposed to the London East building at first storey height.
- 2.4 At basement level, fuel and water storage facilities are provided. At ground floor level, a reception, office space, store rooms, refuse area, and plant, pump and chiller rooms are provided. Also at ground level are a high voltage (HV) substation and switch gear. The first-floor mezzanine is to provide plant space. The first to fifth floors provide technical suites with associated supporting plant. The sixth floor provides switch rooms with associated plant. Generators with chillers stacked above, will be racked on the roof space above the fifth-floor level.
- 2.5 The site currently provides 129 car parking spaces serving London North and London East. The proposed development would reduce the overall number of parking spaces on site to 57 spaces. This will include 30 parking spaces to the north of London North; 26 spaces to the south of London North, including two disabled parking spaces; and one parking space to the east of the proposed data centre. The proposed data centre will be car free, except for two disabled parking spaces.
- 2.6 The existing southern access from Nutmeg Lane will remain as the principal vehicular access to East India Dock House and the new data centre, this provides a gated access with a barrier control. The existing northern access from Nutmeg Lane to the north of the London North building, will be used for vehicles exiting the Site, save for Heavy Goods Vehicles (HGVs) which will exit through the southern access. A total of 36 long-stay cycle parking spaces in the form of secured and covered Sheffield stands are proposed, with shower and locker facilities provided within the building. Eight short-stay cycle spaces will be provided adjacent to the entrance of the building, in the form of four Sheffield stands.
- 2.7 Landscaping improvements proposed include new planting and trees around the perimeter of the site, adjacent to the proposed building and within the car parking areas. Climbing plant walls (climbing plants attached to a wire support) are proposed to the northern and southern façade of the proposed building.



3. RELEVANT PLANNING HISTORY

3.1 PA/16/011842 - Permission Granted 10/01/2017

Erection of temporary single storey plant compound with associated landscaping, infrastructure and utilities

3.2 PA/17/02801 – Permission Granted 02/02/2018

Enlargement of roof top plant enclosure and installation of 3x new chiller units at western end of the roof. Replacement of 10x existing chiller units with 8x new high energy efficiency chiller units, erection of steel supports, and installation of associated pipework.

3.3 PA/18/00684 – Permission Granted 06/07/2018

Alterations to entrance and lobby area, and refurbishment of the internal spine wall.

3.4 PA/21/00986 – Screening Opinion (ES Not Required) 19/05/2021

Request for an Environmental Impact Assessment (EIA) screening opinion for the proposed development of a new data centre facility (to be known as London South (LONS)) at the existing Global Switch campus at East India Dock House, 240 East India Dock Road, E14 (hereafter referred to as 'the proposed development').

4. PUBLICITY AND ENGAGEMENT

4.1 The applicant carried out pre-application consultation and engagement with the public and key stakeholders. This is detailed in full within the statement of community involvement.

4.2 It included a consultation website and letters sent to neighbouring property owners, ward councillors, neighbourhood forums among others.

4.3 Upon validation of the application, the Council sent out consultation letters to nearby owners and occupiers. Three site notices were displayed near the site and an advert published in the press.

4.4 In response, 1 representation was received from Savills on behalf of EID (General Partner) LLP as immediate neighbouring landowner. The concerns raised can be summarised as follows:

- Further information is required to assess the application including views and townscape assessments, sustainability and air quality.
- The applicant must consider how surrounding developments can access Nutmeg Lane should a bridge be constructed over it.

5. CONSULTATION RESPONSES

External

Cadent Gas

5.1 No objection, informative required.

Docklands Light Railway

5.2 No objection.

Crime Prevention – Met Police

5.3 No comments to date.

Environment Agency

No objection.

GLA

- 5.4 Land use principles: The proposed data storage land use on this site located within an opportunity area, is acceptable.
- 5.5 Heritage and urban design: The proposal will significantly impact on views of the listed East India Dock House, and the applicant should test alternative approaches to minimise harm to the setting or significance of the listed building. The site is not identified as suitable for a tall building as required by Policy D9 of the London Plan. GLA officers will consider any issues of non-compliance at the Mayor's decision-making stage having regard to the public benefits of the scheme and other material considerations. Improvements in design and scale should be considered to improve overall character and appearance of the building and the local area. The design should comply with Policy D5 of the London Plan related to inclusive access.
- 5.6 Transport: Further revisions of the proposal are required to confirm that the application complies with the transport policies in the London Plan.
- 5.7 Sustainable development and environmental issues: Further information and conditions required on energy, circular economy, whole-life cycle carbon, flood risk, air quality, and urban greening.

Planning Gateway One (HSE)

- 5.8 No comments to make.

Historic England

- 5.9 These proposals will cause some harm to the grade II* designated asset through development within its setting. This harm would be less than substantial. In accordance with the NPPF, any harm must be justified, and the public benefits of the proposals must be carefully considered to ensure that these benefits are real and not deliverable by any other means.

Historic England (GLAAS)

- 5.10 No objection, recommended conditions.

London City Airport

- 5.11 No objection, recommended conditions to secure construction management plan and crane strategy.

National Air Traffic Services

- 5.12 No objection.

National Grid

- 5.13 No objection.

Thames Water

- 5.14 No objection,

Internal

Arboriculture officer

- 5.15 No comments to date.

Environmental Health – Air Quality

- 5.16 The 'Air Quality Assessment' submitted is not satisfactory, because (as Temple has confirmed) the 'Air Quality Neutral' included is not adequate. In fact, the results of the building emissions (including 24 diesel generators for backup to data centre) as part of air

quality neutral assessment is not acceptable as they are not air quality neutral, even when they are operating for only 2 hours per annum.

- 5.17 The Applicant is asked to consider how can they make the building emissions fall within benchmarks to meet the air quality neutral requirement. The building emissions could be reduced by cleaner or fewer generators.
- 5.18 This planning application cannot be granted until the applicant will clarify building emissions exceeding the building emissions benchmark and operation of emergency generators.
- 5.19 The 'Dust Risk Assessment' included in the 'Air Quality Assessment' has assessed all 4 construction sub-phases of the proposed development: demolition, earthworks, construction, and trackout. From a dust magnitude perspective, the construction and the earthworks sub-phases have been classified as large categories, while demolition and trackout as small.
- 5.20 Therefore, according to 'The Control of Dust and Emissions During Construction' (Mayor of London, SPG 2014), PM10 continuous monitoring is required during construction and earthworks to prevent both dust nuisance and air pollution (Condition 1 of this email - Dust Management Plan and PM10 Monitoring Condition).

Environmental Health – Contaminated Land

- 5.21 Recommended Conditions; investigation, contamination, and monitoring.

Environmental Health – Noise

- 5.22 Recommended Conditions; restrictions on construction activities and noise from plant.

Energy & Sustainability

- 5.23 No comments to date.

Growth & Economic Development

- 5.24 The applicant is required to provide financial contributions in relation to employment skills and training and local enterprise and affordable workspace.

Sustainable Urban Drainage

- 5.25 No comments received.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

- 6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.
- 6.2 In this case the Development Plan comprises:
- The London Plan 2021 (LP)
 - Tower Hamlets Local Plan 2031 (THLP)
- 6.3 The key development plan policies relevant to the proposal are:

London Plan

GG2 – Making the best use of land

GG3 – Creating a healthy city

GG5 – Growing a good economy

GG6 – Increasing efficiency and resilience

SD1 – Opportunity areas

D1 – London's form, character and capacity for growth

D2 – Infrastructure requirements for sustainable densities

D3 – Optimising site capacity through the integrated approach

D4 – Delivering good design
 D5 – Good design
 D8 – Public realm
 D9 – Tall buildings
 D11 – Safety, security and resilience to emergency
 D12 – Fire safety
 D14 – Noise
 E4 – Land for industry, logistics and services to support London’s economy
 E11 – Skills and opportunities for all
 HC1 – Heritage conservation and growth
 HC3 – Strategic and local views
 G1 – Green infrastructure
 G4 – Open space
 G5 – Urban greening
 G6 – Biodiversity and access to nature
 SI1 – Improving air quality
 SI2 – Minimising greenhouse gas emissions
 SI6 – Digital connectivity infrastructure
 SI7 – Reducing waste and the circular economy
 SI12 – Flood risk management
 T1 – Strategic approach to transport
 T2 – Healthy streets
 T3 – Transport capacity, connectivity and safeguarding
 T4 – Assessing and mitigating transport impacts
 T5 – Cycling
 T6 – Car parking
 T7 – Deliveries, servicing and construction
 DF1 – Delivery of the plan and planning obligations

Local Plan

S.SG1 – Areas of growth and opportunity within Tower Hamlets
 S.SG2 – Delivering sustainable growth in Tower Hamlets
 D.SG3 – Health Impact Assessments
 D.SG4 – Planning and construction of new developments
 D.SG5 – Developer contributions
 S.DH1 – Delivering high quality design
 D.DH2 – Attractive streets, spaces and public realm
 S.DH3 – Heritage and the historic environment
 D.DH4 – Shaping and managing views
 D.DH6 – Tall buildings
 D.DH8 – Amenity
 S.EMP1 – Creating investment and jobs
 D.EMP2 – New employment space
 D.EMP 4 – Redevelopment within designated employment locations
 S.OWS1 – Creating a network of open spaces
 D.OWS3 – Open space and the green grid network
 S.ES1 – Protecting and enhancing our environment
 D.ES2 – Air Quality
 D.ES3 – Urban greening and biodiversity
 D.ES4 – Flood risk
 D.ES5 – Sustainable drainage
 D.ES6 – Sustainable water and waste management
 D.ES7 – A zero carbon borough
 D.ES8 – Contaminated land and storage of hazardous substances
 D.ES9 – Noise and vibration
 D.ES10 – Overheating
 S.MW1 – Managing our waste
 D.MW3 – Waste collection facilities in new development
 S.TR1 – Sustainable travel

D.TR2 – Impacts on the transport network
D.TR3 – Parking and permit free
D.TR4 – Sustainable servicing and delivery.

6.4 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (updated 2019)
- LP Accessible London SPG
- LP Planning for Equality and Diversity in London SPG
- Isle of Dogs and South Poplar OAPF
- London View Management framework SPG
- LBTH Planning Obligations SPD (2021)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Design & Heritage
- iii. Amenity
- iv. Transport
- v. Environment
- vi. Infrastructure
- vii. Local Finance Considerations
- viii. Equalities and Human Rights

Land Use

7.2 The application site is located within the Isle of Dogs and South Poplar Opportunity Area and has good connectivity to London City Airport via the Docklands Light Railway (DLR). It is also within close proximity to Canning Town Underground station. The site is within the Blackwall Local Employment Location (LEL) and is 500m from the Poplar High Street neighbourhood Centre, and 1.1km from the Canary Wharf Major Centre.

Loss of Parking

7.3 The area of site to be developed is currently used as car parking associated with the use of the existing Data Centre (East India Dock House). The proposed development would result in the loss of the use of the area for parking.

7.4 The reduction of the quantum of car parking on site is supported and contributes towards encouraging sustainable travel. In terms of land use, the loss of parking is acceptable and consistent with policies S.TR1 of the Local Plan.

Provision of Data Centre (Use Class B8)

7.5 London Plan Policy SI 6 supports the provision of digital infrastructure with paragraph 9.6.1 emphasising its importance alongside other infrastructure such as energy, water and waste management.

7.6 Tower Hamlets' Local Plan Policy S.EMP1 identifies the Blackwall sub-area as suitable for data centre uses given the proximity to Canary Wharf and the City of London. The Blackwall LEL policy also identifies the site as an appropriate site for the delivery of additional Data Centre facilities.

- 7.7 Successful service-based economies like London increasingly depend upon infrastructure facilitating rapid transfer of information, speedy and easy access to advice and services and a flexible approach to where work takes place and when. This can also help deliver wider planning objectives, such as reducing congestion on traffic networks at peak hours by supporting forms of home working and facilitating greater economic development in outer London.
- 7.8 Data centres handling critical security and financial traffic benefit from proximity to the offices they serve, while other centres can be located close to local and sustainable sources of energy. The Local Plan identifies the Blackwall sub-area as suitable for data centre uses given the proximity to Canary Wharf and the City of London.
- 7.9 There are a number of benefits of the agglomeration and clustering of these type of uses together. Companies tend to cluster, or co-locate, other corporate functions around their data centre locations thereby further cementing positive externalities with the creation of a digital hub helping to support London's World City role.
- 7.10 The principle of a Data Centre is therefore supported in this location in local and strategic policy terms. The agglomeration of data centres within Blackwall area is logical given their technical and infrastructure needs. Coupled with the close proximity to Canary Wharf and the City of London this would be a highly suitable location.

Affordable Workspace

- 7.11 Policy D.EMP2 required 10% of new employment floorspace within major commercial and mixed-use development schemes to be provided as affordable workspace. The policy requires development to be flexibly designed to provide workspace to meet the needs of local businesses as well as start-ups.
- 7.12 The nature of the proposed Data Centre does not readily lend itself to the on-site provision of affordable workspace as it will be made up primarily of data halls containing the relevant equipment, rather than traditional workspace. As such, the applicant accepts a financial obligation for a payment in lieu.

Design & Heritage

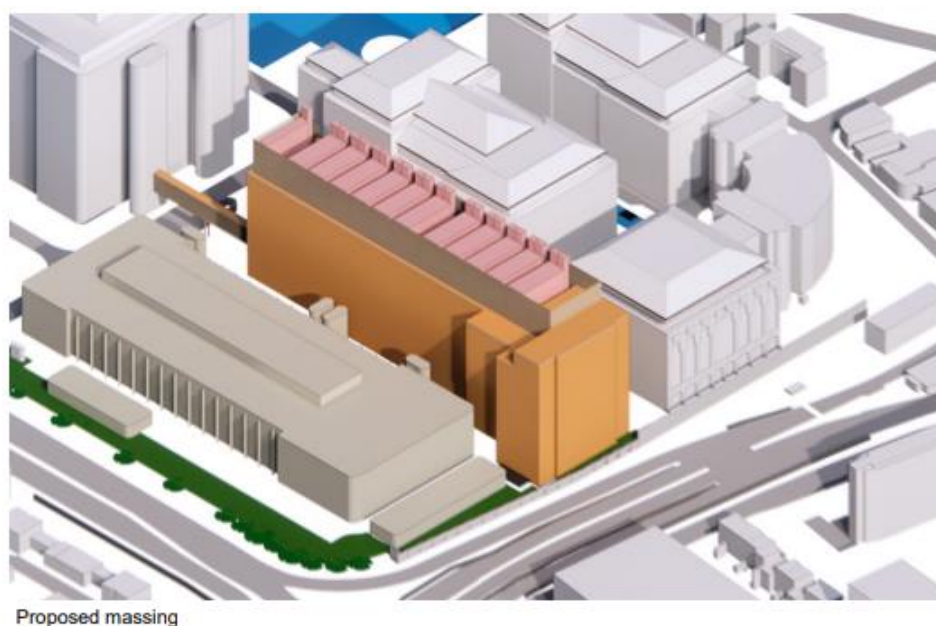
- 7.13 Chapter 12 of the NPPF attaches great importance to achieving well-designed places. Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.14 Chapter 3 of the London Plan contains the suite of policies that are intended to promote good design of buildings and surrounding spaces. Policies D1-D9 of the London Plan collectively emphasises the expectation for high-quality design in all developments.
- 7.15 Specifically, Policy D1, Part B(3) of the London Plan requires Boroughs to advocate the design-led approach by establishing acceptable building heights, scale, massing, and indicative layouts for allocated sites and, where appropriate, the amount of floorspace that should be provided for different land uses. Policy D3, Part A states that the design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. Part D(1) of the policy goes on to require that in relation to form and layout, development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance, and shape, having regard to existing and emerging street hierarchy, building types, forms and proportions.
- 7.16 At the local level, Policy S.DH1 of the Local Plan echoes strategic objectives and requires developments to meet the highest standards of design, layout and construction which respects and positively responds to its context, townscape, landscape and public realm at different

spatial scales. To this end, amongst other things, development must be of an appropriate scale, height, mass, bulk and form in its site and context.

- 7.17 Policy D.DH2 of the Local Plan requires developments to contribute to improving and enhancing connectivity, permeability, and legibility across the Borough.
- 7.18 Policy D.DH4 of the Local Plan requires developments to positively contribute to views and skylines that are components of the character of the 24 places in Tower Hamlets. Intrusive elements in the foreground, middle ground and backdrop of such views will be resisted.

Scale and Layout

- 7.19 The proposed building footprint has been designed to be the slimmest possible in terms of operational data centre halls and plant that needs to be accommodated as well as providing appropriate separation/set back from the Grade II* listed London North to allow the building to be viewed from the DLR approach to the South. Its scale also enables continued appreciation of the East India Dock building from the A13 and A102 to the north.

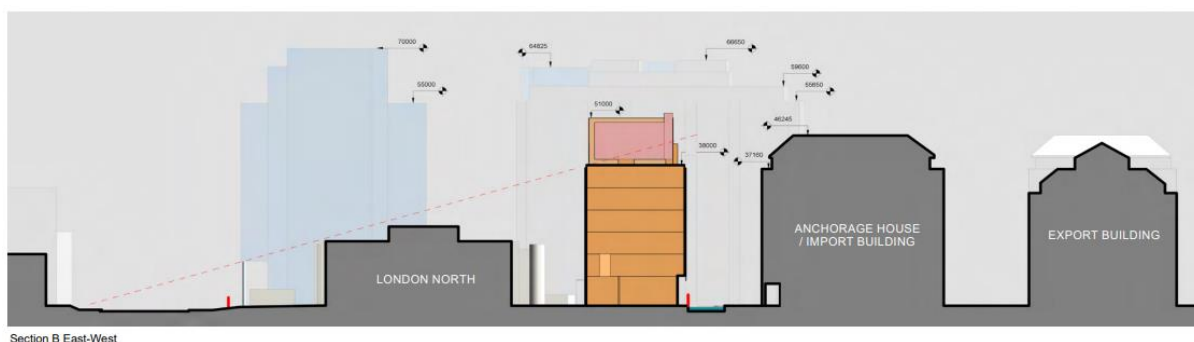


- 7.20 The scale of the proposed development is comparable with the local context of existing large office buildings and data centre buildings around East India Dock and the wider estate. Where the building addresses the public realm, human scale elements of the building are incorporated. The proposed offices to the data centre have been positioned at ground floor on the south facade and the main entrance on the east façade to address the public realm on Nutmeg Lane and Clove Crescent with lower glazed elements.



Height

- 7.21 The proposed building will have an overall height of approximately 51.2m AOD to the top of the parapet and 56.8m AOD to the top of the plant screen. As such, it would constitute a tall building.
- 7.22 In terms of the surrounding context, London East directly to the east, is approximately 73.7m in height, Telehouse West and Telehouse North Two further east of the site are approximately 50m and 66m in height respectively.



Section B East-West

- 7.23 London Plan policy D9 states that Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.
- 7.24 Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. Locations and appropriate tall building heights should be identified on maps in Development Plans and tall buildings should only be developed in locations that are identified as suitable in Development Plans. Criteria for assessing the impacts of tall buildings based on visual impacts, environmental impacts, functional impact and cumulative effects is also defined.
- 7.25 LBTH Local plan D.DH6 advises that the development of tall buildings will be directed towards designated Tall Building Zones and must apply the identified design principles, having regard to the Tall Buildings Study and other relevant policies. Outside these zones, tall building proposals (including those on-site allocations) will be supported provided they meet the criteria set out in Part 1 and can demonstrate how they will

- a. be located in areas with high levels of public transport accessibility within town centres and/or opportunity areas
- b. address deficiencies in the provision of strategic infrastructure
- c. significantly strengthen the legibility of a Major, District or Neighbourhood Centre or mark the location of a transport interchange or other location of civic or visual significance within the area, and
- d. not undermine the prominence and/or integrity of existing landmark buildings and tall building zones (taking account of the principles set out in Figure 8).

7.26 Within the defined tall buildings zone, the policy identifies that within the Blackwall Tall Building Zone (relevant to the application site and proposals) that development heights should step down towards the edge of this cluster. It then states that the cluster must be subservient to and separate from the nearby Canary Wharf cluster and buildings should be of varying heights allowing sky views between them when viewed from the river or the Greenwich peninsula

7.27 The application site lies outside but immediately adjoining the Blackwall Tall Building Zone as shown in the LBTH Local Plan Policies Map extract below



7.28 Part a of the policies requires tall building proposals to be located in areas with high levels of public transport accessibility within town centres and/or opportunity areas.

7.29 The Site is located within the Blackwall Local Employment Location (LEL), the Isle of Dogs and South Poplar sub-area and lies just outside the Blackwall Cluster Tall Building Zone. The Site is well served by public transport and most of the Site has a Public Transport Accessibility Level (PTAL) of 4 (where 6b is the highest level of accessibility and 0 is the lowest). Part of the site to the southeast is located within PTAL 3. The East India Dock Docklands Light Railway (DLR) station lies approximately 260m to the southeast and bus services are available from East India Dock Road and the A102. There is also good pedestrian access around the Site and the cycle highway CS3 route runs through the estate on Nutmeg Lane.

7.30 Part b requires tall buildings outside designated zones to address deficiencies in the provision of strategic infrastructure. London Plan policy SI6 recognises the strategic importance of digital infrastructure provision for London's development and growth. The proposed development will facilitate expansion of the existing Global Switch Campus which includes London North and London East, and in doing so, supports the role and function of the Canary Wharf Major Centre, which is a major source of employment within the borough. The immediate surrounding area within East India Dock Road is a cluster of data centres with the existing

Telehouse campus, new Telehouse data centre on the Travelodge Hotel site. The proposal will complement and add to digital infrastructure and connectivity within this area and in turn support jobs and services within Blackwall Local Employment Location, Canary Wharf and the City of London.

- 7.31 Part c requires that tall buildings to significantly strengthen the legibility of a Major, District or Neighbourhood Centre or mark the location of a transport interchange or other location of civic or visual significance within the area. As mentioned above, the site is within an area of data centres which supports the role and function of Canary Wharf. Visually, the proposed development would provide further identification of the site as an area providing significant data centre infrastructure.
- 7.32 Finally, part d states that tall buildings must not undermine the prominence and/or integrity of existing landmark buildings and tall building zones. There are no landmark buildings within the immediate vicinity of the site, and it is not considered that the proposals will undermine the integrity of the Blackwall Tall Building Zone. There are numerous tall, wide and long buildings within the surrounding context of the Site: London East directly to the east is approximately 73.7m in height, Telehouse West and Telehouse North Two further east of the Site are approximately 50m and 66m in height respectively. When viewed from the north looking south towards the Tall Building Zone boundary, the dominant building in the view would remain London North given its wide footprint and strong horizontal emphasis and the prominence that it has in this view from East India Dock Road. Whilst the proposed building will be viewed as a slightly taller building, London North is already surrounded by midrise buildings of taller massing and so this would not introduce an uncharacteristic change to the view. The proposals will allow the gradual stepping up of heights and transition from London North towards the Tall Buildings Zone boundary. The approval of the proposals will still ensure that the Blackwall Tall Building Zone remains subservient and separate to the Canary Wharf Tall Building Zone and buildings with views between them still achieved from the river or the Greenwich Peninsula.
- 7.33 Overall, it is considered that whilst the site is located outside but adjoining the Blackwall Tall Building Zone, the proposals accord with LBTH Local Plan policy D.DH6 and as such the height of the proposed building is acceptable in this context.

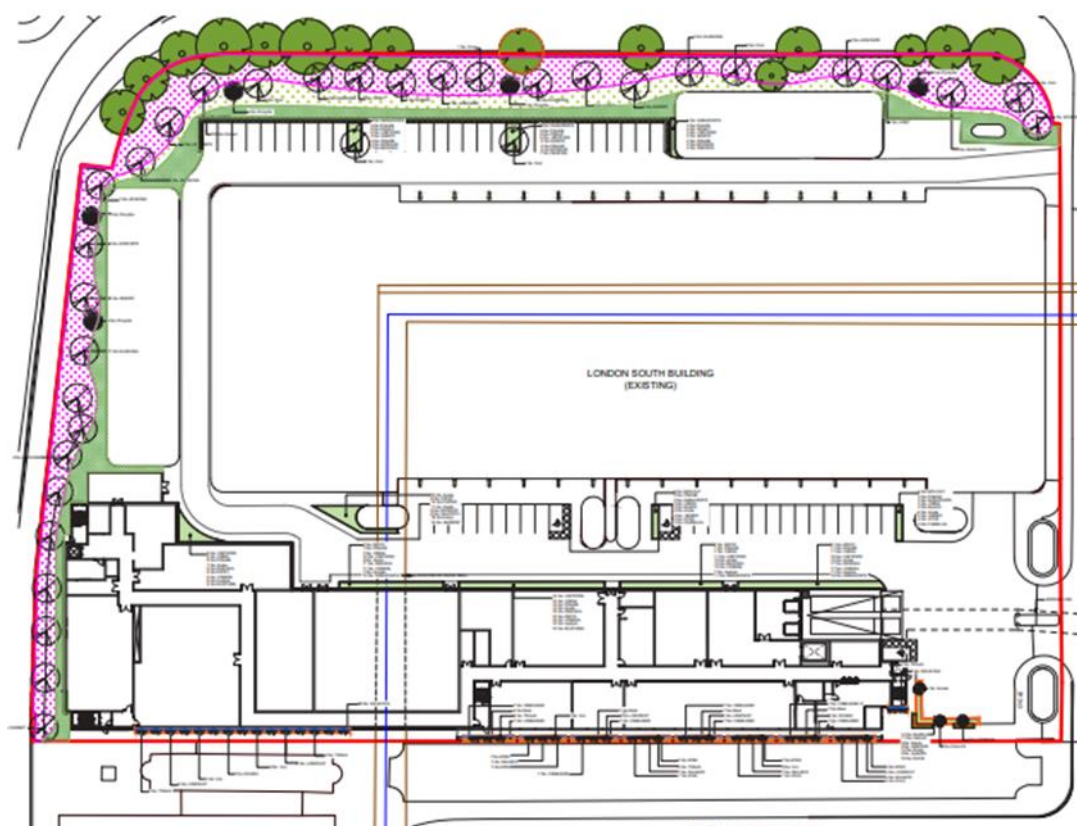
Appearance & Materials

- 7.34 The proposed development has an abstract appearance as a result of the functional nature of the building and the resultant lack of fenestration. The elevations are broken down by using different colours. The principal cladding material is a metal panel, which reflects the panels in London North, but with a subtle variation of 'tea' colours, including different shades of grey and green. The remaining cladding features two types of panels, a rusty 'spice orange' section to segment the length of the building massing, and a corrugated light grey panel, which colour is also reflected in the perforated roof plant enclosure. This colour is designed to be as neutral as possible whilst also visually reducing the bulk of the building.
- 7.35 Elements of glazing are also proposed, and the western elevation also features a light grey metal panel section with perforation to reproduce an image of the historical docklands, which will be visible from the Blackwall tunnel approach.



Landscaping, Public Realm & Biodiversity

- 7.36 Policy G1 of London Plan expects development proposals to incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network. Policy G5 of the London Plan requires major development proposals to contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
- 7.37 Policy D8 of the London Plan requires development proposals to amongst other things, ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand, service and maintain.
- 7.38 At the local level, Policy D.DH2 of the Local Plan promotes the use of using high quality paving slabs, bricks and pavers for footways, parking spaces and local streets to create attractive, accessible, comfortable, and useable development. Soft landscaping should be maximised to soften the streetscape and provide visual and environmental relief from hard landscaping, buildings, and traffic. Policy D.ES3 of the Local Plan seeks to protect and enhance biodiversity in developments by ensuring that new developments maximise the opportunity for biodiversity enhancements, proportionate to the development proposed.
- 7.39 Data centres typically require a high degree of security and do not allow public access onto their site. It is recognised that from a commercial perspective this is important and therefore the existing boundary fencing arrangements would remain in situ.
- 7.40 Notwithstanding this, additional soft landscaping is proposed within the site, specifically to the north of the Grade II* Listed East India Dock House. Vegetation is proposed to enhance the existing site boundary vegetation and provide a visual buffer to screen the car park. In addition pockets of decorative shrub planting are proposed. These will contain a variety of species including herbaceous, shrub and grass varieties. The planting will provide texture and colour, whilst helping to break up the hard landscaping. The planting will also contain wildlife friendly species to improve the ecological aspect of the site.



- 7.41 Towards the north, vegetation will be proposed to enhance the existing Site boundary vegetation and provide a visual buffer to screen the car park. A 1.2 metre high hornbeam hedgerow will define the extents of the car park, helping to provide a physical separation between the hard landscape and open space. There will be a number of wildflower mixes which will add variety and colour to the scheme, whilst increasing the ecological interest.
- 7.42 Policy G5 of the London Plan requires an Urban Greening Factor (UGF) target score of 0.4 for developments that are predominantly residential and a target score of 0.3 for predominantly commercial development. The supporting text to Policy G5 at paragraphs 8.5.5 further clarifies whilst the target score of 0.3 does not apply to B2 and B8 uses, but that these uses will still be expected to set out what measures they have taken to achieve urban greening on-site and quantify what their UGF score is.
- 7.43 The proposed development through landscaping improvements of the site, would result in an improvement to UGF from 0.1 to 0.2, which is welcomed, and all proposed measures will be secured by condition.
- 7.44 A Tree Report and Arboriculture Impact Assessment (AIA) has been submitted, which confirm two Red Oak trees to the north of London North and a small group of Leyland Cypress to the south-east corner of the site will be removed to facilitate the proposals. These trees are in the two lower categories ('C' & 'U') and are considered that they are not of a quality that should present any impact to the site, and the proposal includes the planting of additional trees to the northern and western edges of the site, and a better overall result will be achieved by planting new trees as part of the landscape proposals designed to enhance the new layout.
- 7.45 Overall, proposal is considered to be compliant with local and national planning policies regarding matters concerning landscaping, biodiversity and trees, with specific measures to be secured by condition.

Safety and Security

- 7.46 Policy D11 of the London Plan requires all forms of development to provide a safe and secure environment and reduce the fear of crime. This is similarly reflected in Local Plan Policy D.DH2 which requires new developments to incorporate the principles of 'secured by design' to improve safety and perception of safety for pedestrians and other users
- 7.148 No objections to the proposal have been received from the Metropolitan Police: Designing Out Crime Officer and a condition will be imposed ensuring that the development is designed to Secure by Design standards and achieves accreditation

Heritage

- 7.47 East India Dock House to the north of the Site is Grade II* listed. Whilst it is included with the red line application boundary, no alterations or extensions are proposed to the building itself.
- 7.48 The site is not within a Conservation Area and the nearest conservation area is the Naval Row Conservation Area, a thin segment of which is located to the immediate west. The former East India Dock walls to the south-west of the site are Grade II listed.
- 7.49 Chapter 16 of the NPPF relates to conserving and enhancing the historic environment. NPPF paragraph 189 states: 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'
- 7.50 NPPF paragraph 199 states: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

- 7.51 NPPF paragraph 202 states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'
- 7.52 London Plan Policy HC1 states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 7.53 Local Plan Policy S.DH3 expects development in the vicinity of listed buildings to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.
- 7.54 The grade II* listing description for East India Dock House lists the principal reasons for designation as:
- Architectural interest: an impressive and characteristic example of High Tech architecture, a movement in which Britain led the way, by (Sir) Nicholas Grimshaw, one of its leading proponents;
 - Aesthetic value: a streamlined and clean-lined building that boldly expresses the building's structural system and internal function;
 - Design interest: for the giant 'shop window' of the printing hall, at night an illuminated billboard, forming a prestigious, landmark building;
 - Technological innovation: employed an existing proprietary glazing system, and developed a new method for vacuum-forming superplastic aluminium;
 - Historic interest: part of the architectural legacy of the British newspaper industry. and of the architecturally pioneering Financial Times newspaper, which had previously commissioned Grade II* Bracken House in the City of London.
- 7.55 The list description also addresses the interior of the building where it says: 'The spinal wall that originally enclosed the print hall is believed to survive. All other internal finishes and fixtures are related to the late-1990s conversion of the building to a data centre: pursuant to s.1 (5A) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') it is declared that these are not of special interest and are excluded from the listing.'
- 7.56 A Heritage Statement prepared by KM Heritage forms part of the application submission which identifies that the impact of the proposed development on surrounding heritage assets has been tested through a series of views.
- 7.57 The Heritage Statement states that, whilst the proposed building will rise up behind the listed building, the choice of materials and the simple form will ensure that it does not affect an ability to appreciate the listed building in the foreground. Views towards the important glazed front wall (although this no longer serves its original function of providing a 'shop window' to the contents) remain unaltered and the grey panels and materials of Grimshaw's building remain the dominant feature in the foreground.
- 7.58 The proposed development sits contextually with the other surrounding buildings, in particular London East, the Telehouse campus and existing buildings off Clove Crescent with Mulberry Place Town Hall, 5 Clove Crescent, Lighterman House, 3 Clove Crescent.
- 7.59 In terms of impacts on the building, the Heritage Statement identifies: 'whilst scale can impact and have a detrimental impact on the setting of listed buildings, having analysed carefully the architectural and historical interest of the listed building and what contributes to its significance – and setting – it is considered that for this is a building for which 'setting' makes a very limited contribution to its overall special interest. For all of its attributes it does not appear that any

consideration was given for its wider context when it was built – other than the concept of the ‘shop window’ onto the A13. There was no reference to surrounding materiality, scale, form, architectural style when designed and the building could, effectively, been located alongside any major road anywhere in the country.’

- 7.60 The Heritage Statement recognises that the most sensitive element of the significance of the listed building is being able to appreciate its form either ‘close up’ or from the north – looking south where its full elevation can still be appreciated with the proposals in place. Views of the southern elevation would be more limited, but it is considered that this will not prevent an appreciation of what makes the building special.
- 7.61 The proposed building will sit within the historic Dock Walls as the other development on the former Docks already does, ensuring the integrity of the listed boundary is maintained. Similarly, by sitting within the Dock walls it will not detrimentally impact upon the setting of the Naval Row Conservation Area whose character is largely formed of those buildings that once stood ‘outside’ the boundary walls.
- 7.62 The Heritage Statement concludes that the proposed development is not considered to cause any ‘less than substantial harm’ to the significance of any surrounding heritage assets, including the Grade II* listed London North. The proposed development will ‘change’ the setting of the building but not in a way that prevents a full appreciation of those elements of its setting that contribute to its special interest in particular views from the north of the Site.
- 7.63 However, in accepting that impact is a finely balanced judgement, the Heritage Statement states that, if others were to believe that a small element of ‘less than substantial harm’ were caused, the application submission and supporting documents outlines why development on the site is necessary to deliver substantial national benefits in terms of the provision of first-class data storage and digital infrastructure.
- 7.64 The GLA and Historic England consider that the development would result in less than substantial harm to the setting of the Grade II* Listed building. LBTH Conservation Officers note that by virtue of the relationship between the proposed development and the building, there will be impact on setting.
- 7.65 The proposed building will be clearly visible in a number of local and longer distance views and have an impact on those towards the listed building. The most significant view is that from the A13, where the new development will appear directly behind the listed building and in oblique views as one travels along this route. The silhouette of the listed building against the sky will be lost. Views of the rear of the building will be much reduced with the public view largely lost. However, it will remain visible from with the complex. It is concluded that these changes will cause some harm to the listed building through development within its setting. This harm is judged to be less than substantial.
- 7.66 Whilst it would cause some harm to the grade II* listed building through development within its setting, this harm is less than substantial. As such, the NPPF requires that there be ‘clear and convincing’ justification for the proposals (para 200) the public benefits of the proposals be carefully balanced against the harm to the designated heritage asset (para 202) ‘Great weight’ should be given to the heritage asset’s conservation (para 199).
- 7.67 In assessing the public benefits, consideration must be given to whether these benefits are real and not deliverable by any other means.
- 7.68 The proposed development would deliver public benefits through the delivery of strategic data centre infrastructure in this location, and further growing the capacity of this area to deliver this type of development, coupled with the benefits of the agglomeration and clustering of these type of uses together as outlined in the land use section of this report.
- 7.69 Furthermore, the improved landscaping and biodiversity provisions of the development are acknowledged. The proposals would result in the reduction of the number of parking spaces on site, which provides benefit in terms of addressing issues surrounding highway congestion and poor air quality.

- 7.70 The alternative solution of extending the existing East India Dock House data centre to deliver additional data centre infrastructure would cause harm to the asset itself, and the proposals preserve the significance of the heritage asset.
- 7.71 Overall it is considered that the application delivers sufficient public benefits, to outweigh the level of identified harm to the setting of the listed building, noting it would be on the lower end of less than substantial.
- 7.72 In determining this application special regard has been the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 7.73 It is recommended that conditions are imposed to secure full details the proposed materials of the new building as well as lighting and signage to the landscaped area at the front of the building. A further condition is recommended to require the removal of the temporary substation that was erected in this area be removed prior to the operation of the development as sufficient power will now be available from the new development.
- 7.74 Overall, it is considered that the proposed development would result in less than substantial harm to the setting of the Grade II* listed East India Dock House, but that the benefits of the scheme outweigh the identified harm, as such the proposals comply with Section 16 of the relevant act, the NPPF and London and local plan policies.

Archaeology

- 7.75 Policy S.DH3 of the Local plan requires development that lies in or adjacent to an archaeological priority area to include an archaeological evaluation report and will require any nationally important remains to be preserved permanently in situ.
- 7.76 The Greater London Archaeological Advisory Service (GLAAS) was consulted and advised that there is potential for buried remains of the East India Dock quayside wall present at the site. As a structure closely and functionally associated with the above ground Grade II listed dock wall it may be of heritage significance.
- 7.77 In terms of the Quayside Wall, should buried remains be found, there would be opportunity to disseminate the finds and fully record any remains. This may potentially take the form of public lectures, online dissemination of the archaeological finds found during the project, and information boards. The Greater London Archaeological Advisory Service (GLAAS) in their consultation response to the planning application advises that the development could cause harm to archaeological remains, however the significance of the asset and scale of harm to it is such that the effect can be managed by using a planning condition. Therefore, the GLAAS's suggested condition will be imposed on the planning consent.

Neighbour Amenity

- 7.78 Development Plan policies seek to protect neighbour amenity safeguarding privacy, not creating allowing unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions.

Privacy & Outlook

- 7.79 Policy D.DH8 of the Local Plan sets a guide of an approximate distance of 18 metres between habitable room windows as being appropriate to maintain privacy and overlooking levels to an acceptable degree. However, this figure will be applied as a guideline depending upon the design and layout of the development.
- 7.80 The closest relationship between the proposed building and neighbouring residential properties would be to the north where the recently constructed Aberfeldy development is, and

other residential blocks along East India Dock Road. To the east, south, and west the buildings are data centres and therefore not sensitive with respect to privacy and outlook.

- 7.81 Given that the building would be approximately 50m away and far above the minimum 18m required, and on the basis that it is of a similar height to the data centre due south the proposal would not adversely impact on the residential dwellings with respect to outlook. With regards to privacy the proposed data centre would have no material impact as there are no windows to the majority of the northern elevation.

Daylight, Sunlight & Overshadowing

- 7.82 Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small. Thus, if the new development were 10 m tall, and a typical existing ground floor window would be 1.5 m above the ground, the effect on existing buildings more than $3 \times (10 - 1.5) = 25.5$ m away need not be analysed.
- 7.83 There is a separating distance of 144m between the proposed development and the properties directly to the north on Blair Street. As such these properties would not experience any meaningful loss of light or overshadowing as a result of the development.
- 7.84 Overall, the proposed development would not have any unacceptable impacts with respect to daylight and sunlight.

Noise & Vibration

- 7.85 The application is supported by an environmental noise survey which was reviewed by the Council's Environmental Health Noise team who consider the findings acceptable, subject to conditions to ensure that a suitable noise environment is maintained to neighbouring occupiers during construction and operation.

Construction Impacts

- 7.86 The Council's Code of Construction Practice Guidance requires major developments to operate a Construction Environmental Management Plan (CEMP) that outlines how the Code of Construction Practice would be met and requires the CEMP to outline how environmental, traffic and amenity impacts attributed to construction traffic will be minimised. The application is supported by an Outline Construction Environmental Management Plan.
- 7.87 It is acknowledged that demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan policies, a number of conditions are recommended to minimise these impacts. These will control working hours and require the approval and implementation of an updated and detailed CEMP and Construction Management Plan and that a planning obligation secures compliance with the Considerate Contractor Scheme.
- 7.88 In addition to the above, the Council's Planning Obligations SPD seeks a contribution of £1 per square metre of non-residential floorspace and £100 per residential unit towards Development Co-ordination and Integration. This would assist the Council in managing construction activity both on-site and within the surrounding streets and spaces proactively and strategically across the Borough. The Applicant has agreed to pay the required contribution, and this would be secure through the S106 legal agreement.

Transport

- 7.89 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

Deliveries & Servicing (including waste)

- 7.90 LP Policy T7 requires development proposals to facilitate safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays used where this is not possible. Construction

Logistics Plans and Delivery and Servicing Plans will be required and should be developed in accordance with Transport for London guidance and in a way which reflects the scale and complexities of developments.

7.91 THLP Policy D.TR4 requires 'developments with significant delivery and servicing trips to demonstrate how:

- Impact to the transport network and amenity will be avoided, remedied or mitigated through transport assessments, construction management and logistic plans and delivery and servicing plans.
- Delivery of goods and servicing will be provided within the site to encourage shared arrangements and timing of deliveries, unless demonstrated it can take place on-street without affecting highway safety or traffic flow.
- Movement by water and/or rail; and the use of low emission vehicles, electric vehicles, bicycles and freight consolidation facilities have been prioritised.
- Deliveries to sites will be reduced through suitable accommodation and management.

7.92 Whilst there is expected to be an increase in the number of delivery and servicing trips (as detailed in the previous section), the types of vehicles are expected to remain the same.

7.93 To accommodate larger vehicles within the Site, two loading bays are proposed to the east of the proposed building and swept path analysis demonstrates that a max legal HGV can manoeuvre within the Site without any difficulty.

7.94 Refuse collection will be directly from the bin store, proposed to be located along the western boundary of the Site. The bin stores are located immediately adjacent to where the refuse vehicle will stop, and therefore the drag distance to rear of refuse vehicle will be less than 10m.



Location of refuse collection point

7.95 The building would have sufficient waste storage space and officers consider on the basis of the low employment density and nature of the use as a data centre that the site would not generate significant requirements for waste. Full details and implementation of the waste strategy will be secured by condition.

Car Parking

7.96 LP Policy T6 states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite').

7.97 THLP Policy D.TR3 requires development to comply with the parking standards in Appendix 3 of the THLP. There are no parking standards for B8 use.

- 7.98 The existing car park on-site provides 129 parking spaces. There is greater reliance on the private car for employees at a data centre due to the need to transport heavy equipment and the irregular shift patterns for staff.
- 7.99 The proposed development reduces the number of parking spaces from 129 to 57 to service the existing Global Switch London North and London South data centre however, the proposed new data centre will be car free, except for disabled parking spaces. Overall there is a significant reduction in car parking across the site and in this particular instance, the retention of some parking spaces to remain for staff and contractors to utilise when public transport accessibility is limited during the night is justified.
- 7.100 LP Policy T6.5 sets out the level of disabled car parking spaces that should be provided for non-residential development. For a workplace, 5% of the total parking provision is to be designated bays, with 5% of total parking provision to be enlarged bays so that they can become disabled person parking bays quickly and easily via the marking up of appropriate hatchings and symbols and the provision of signage, if required.
- 7.101 The proposed development includes three disabled parking bays from the outset, which is compliant with LP Policy T6.5.
- 7.102 LP Policy T6.1, Policy T6.2, Policy T6.3 and Policy T6.4 require development proposals for residential, office, retail and hotel and leisure to have active charging facilities for electric or Ultra-Low Emission vehicles. There is no such requirement for Use Class B8 development proposals. Nevertheless, the proposed development will still provide 20% of space with active charging facilities from the outset, with all remaining spaces having provision for future upgrade to electric.

Cycle Parking and Facilities

- 7.103 According to the floorspace of the building there would be a requirement of 60 long stay spaces and 30 visitor parking spaces. However only 36 long stay spaces have been provided and 8 short stay spaces. The applicant's justification for a lower level provision is the low employment density of the development and that few staff members and visitors need accommodating. The Transport Assessment states it is expected that around 5 employees will be on site at any one time.
- 7.104 A data centre which does not generate significant trips and has very few employees should be required to deliver the number of cycle parking spaces that are proportionate to those impacts and requirements. These buildings are quite unique in how they operate and would not require the same levels of parking for an office or other commercial buildings. Both TfL and LBTH highways accept that based on the employment figures that 36 spaces would be acceptable.
- 7.105 Cycle parking should be designed in accordance with the London Cycle Design Standards and a condition will be attached securing the details of the provision.

Travel Planning

- 7.106 The draft Travel Plan is considered acceptable in principle, it is recommended that a condition is imposed securing full details and implementation of the Travel Plan.

Demolition and Construction Traffic

- 7.465 The Construction Environmental Management Plan secured via a planning condition will be required to consider the impact on pedestrians, cyclists and vehicles as well as fully considering the impact on other developments in close proximity.

Environment

Environmental Impact Assessment

- 7.107 The proposals do not require an Environmental Impact Assessment. A screening opinion was issued on 19th May 2021 which concluded that the Proposed Development, based on the

information provided within the EIA Screening Report, is considered to be unlikely to generate significant environmental effects, and therefore does not constitute an EIA development.

Energy & Environmental Sustainability

- 7.108 At the national level, the NPPF sets the direction of travel for the planning system to support the transition to a low carbon future in a changing climate. In this regard, the planning system should help to amongst other things, shape places in ways that contribute to radical reductions in greenhouse gas emissions and support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.
- 7.109 At the strategic level, Chapter 9 of the London Plan requires development to contribute to mitigation and adaptation to climate change. Specifically, Policy SI2 requires development proposal to make the fullest contribution to minimising carbon dioxide emissions and directing that major developments should be net zero-carbon. This means reducing greenhouse gas emissions and minimising energy demand in accordance with the following hierarchy:
1. Be Lean: Use Less Energy
 2. Be Clean: Supply Energy Efficiently
 3. Be Green: Use Renewable Energy
 4. Be Seen: Monitor and Report
- 7.110 At the local level, the national and strategic messages are similarly echoed in Policies S.ES1 and D.ES7 of the Local Plan. Policy D.ES7 specifically requires that for residential developments, zero carbon should be achieved through a minimum of 45% reduction in regulated carbon dioxide emissions on-site and the remaining regulated carbon dioxide emissions to 100% are to be off-set through a cash in lieu contribution
- 7.111 The application has been accompanied by an Energy Strategy prepared by TTSP which demonstrates that the development is anticipated to achieve a site-wide reduction in carbon dioxide emissions of 69%.
- 7.112 The proposal has a baseline of 2996 tonnes of regulated CO₂, with 2079 tonnes of regulated CO₂ savings on-site with remaining 917 tonnes to be off-set through a carbon offsetting contribution. A carbon off-setting payment of £2,613,448 will be secured by S106 obligation to achieve net zero carbon for the development and deliver a policy compliant scheme.

BREEAM

- 7.113 THLP Policy D.ES7 requires all new non-residential development over 500 sqm floorspace is expected to meet or exceed BREEAM 'excellent' rating. A BREEAM Pre-Assessment has been submitted with this planning application. This confirms that, with all of the targeted credits met, the proposed development will achieve a BREEAM 'excellent' rating in line with THLP Policy D.ES7.

Circular Economy

- 7.114 The application has been accompanied with a detailed Circular Economy Statement that sets out key circular economy commitments for the proposed development, these are summarised below, and include but are not limited to:
- 7.115 *Minimising the quantities of materials used:* The building is designed on simplicity and uniformity to reduce excessive material use.
- 7.116 *Minimising the quantities of other resources used (energy, water, land):* Highly efficient building services systems to reduce energy demand. Maximised use of local landscape.
- 7.117 *Specifying and sourcing materials responsibly and sustainably:* A sustainable procurement plan will be developed for the scheme which sets out a clear framework for the responsible sourcing of materials to guide procurement throughout a project and by all involved in the

specification and procurement of construction materials. This will ensure that materials are sourced responsibly and sustainably.

7.118 *Design for longevity, adaptability or flexibility and reusability or recoverability:* Offsite manufacturing has been prioritised to reduce offcuts. Spaces have been designed, given the use class, to best suit future flexibility, upgrades and changes of use.

7.119 *Designing out construction, demolition, excavation, industrial and municipal waste:* Simple, standardised design principles reduce waste and improve construction activities.

7.120 It is considered that the proposals are in accordance with adopted policies for sustainability and CO2 emission reductions and it is recommended they are secured through appropriate conditions to deliver:

- Submission of post construction energy assessment including 'as-built' calculations to demonstrate the reductions in CO2 emissions have been delivered on-site.
- Implementation of the submitted Energy Strategy, including a minimum of 69% carbon reduction compared to the baseline.
- BREEAM rating of 'Excellent'
- A carbon off-setting contribution of deliver a policy compliant net zero carbon development and this would be secured via the S106 agreement.
- Full details of heat network

Air Quality

7.121 Policy SI1 of the London Plan requires among other things that development proposals must be at least Air Quality Neutral. At the local level, Policy D.ES2 of the Local Plan requires development to meet or exceed the 'air quality neutral' standard.

7.122 The application has been supported by an Air Quality Assessment prepared by Stantec which considers the potential of both construction and operational phases of the development to result in air quality impacts. The site is within the borough-wide Air Quality Management Area (AQMA) (NO2 objective and 24 hour mean PM10 objective).

7.123 The assessment finds that during construction and operational phases of the development, the air quality affects would be not significant with mitigation measures in place.

7.124 In terms of the Air Quality Neutral Assessment, Building Emissions are '0' and are therefore below the benchmark.

Wind/Microclimate

7.125 Policies D3, D8 and D9 of the London Plan require developments, particularly those with tall buildings, to be considerate of microclimate impacts associated with their scale and mass. Similarly, Local Plan policies S.DH1 and D.DH6 seek to ensure that new developments do not adversely impact upon the microclimate and amenity of the application site and the surrounding area.

7.126 The application is supported by a Wind Microclimate Assessment prepared by WindTech which has been independently reviewed by Temple who agree with the conclusions made.

7.127 The report concludes that the wind microclimate for the proposed development in existing surrounds generally satisfies the criteria for pedestrian safety and comfort. This is with the exceptions of the entrances to the eastern façade of the proposed development. The conditions here are only suitable for strolling in winter. Mitigation measures have been recommended namely the recessing of entrances by at least 1.5m which will be secured via condition.

7.128 The proposals would be acceptable, subject to mitigation, from a wind microclimate perspective.

Flood Risk & Drainage

7.129 Policies SI12 and SI13 of the London Plan seek to ensure that flood risk is minimised and mitigated, should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed, as close to it's source as possible in line with the drainage hierarchy set out within the London Plan. The policy aspirations are also reiterated at the local level in Policies D.ES4 and D.ES5 which seek to reduce the risk of flooding.

7.130 The site falls within Flood Zone 2 and is protected by the River Thames Flood Defences. The proposed data centre is outside of the model extent for a breach. A site specific Flood Risk Assessment has been submitted with the application. In line with the Tower Hamlets Strategic Flood Risk Assessment, the development would provide wider sustainability benefits to the community. Therefore from a flood risk perspective the proposal would be acceptable.

Land Contamination

7.131 The application has been reviewed by the Council's Environmental Health Land Contamination Officer, and subject to standard conditions, the proposals would be acceptable. Any contamination that is identified can be addressed within the condition approval process and will ensure that the site is made safe prior to any construction works taking place.

Infrastructure Impact

7.132 The proposal would not be liable for the Tower Hamlets Community Infrastructure Levy (CIL) or the Mayor of London CIL as it states under paragraph 11 of regulation 30 Part 5 of the Community Infrastructure Levy Regulations (2010) that 'a building into which people do not normally go' is not included. Given the primary use of the site is to house data it is not expected that many people will enter the building other than for maintenance.

7.133 Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.

7.134 The applicant has agreed to meet all of the financial contributions that are sought by the Council's Planning Obligations SPD, as follows:

- £104,028 towards construction phase employment skills training
- £186,254.39 towards end-user phase employment skills training
- £786,556 affordable workspace payment in lieu
- £ 2,613,448 toward carbon emission off-setting

Human Rights & Equalities

7.135 The proposed development would not result in adverse impacts upon equality or social cohesion.

7.136 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.

8. RECOMMENDATION

8.1 That subject to any direction by the Mayor of London, **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:

8.2 Financial obligations

- a. £104,028 towards construction phase employment skills training

- b. £186,254.39 towards end-user phase employment skills training
- c. £786,556 affordable workspace payment in lieu
- d. £ 2,613,448 toward carbon emission off-setting
- e. £ monitoring fee

Total financial contributions: £.

8.3 Non-financial obligations:

- a. Access to employment
 - 20% local procurement
 - 20% local labour in construction
 - 20 construction phase apprenticeships
 - 2 end-user phase apprenticeships
- b. Transport
 - Travel Plan
 - Considerate Construction Programme

That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.

- 8.4 That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters:

8.5 Planning Conditions

Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Restrictions on demolition and construction activities:
 - a. All works in accordance with Tower Hamlets Code of Construction Practice;
 - b. Standard hours of construction and demolition;
 - c. Air quality standards for construction machinery;
 - d. Ground-borne vibration limits; and
 - e. Noise pollution limits.
4. Mechanical plant noise standards
5. Delivery and Waste Storage Facilities
6. Cycle Parking
7. Restriction on use of back up generators
8. Air Quality Standards for CHP and emissions
9. Wind Mitigation Measures (Recessed entrances)

Pre-commencement

The inclusion of the following pre-commencement conditions has been agreed in principle with the applicants, subject to detailed wording

10. Construction Environmental Management Plan and Construction Logistics Plan (in consultation with TfL):
11. Land Contamination Remediation Scheme (subject to post completion verification).

12. Archaeological Written Scheme of Investigation
 13. Crane/Lifting Management Plan
 14. Piling Method Statement
 15. Control of dust and emissions
- Pre-superstructure works
16. Details of external facing materials and architectural detailing
 17. Details of hard and soft landscaping of public real and open spaces including boundary treatment, paving and lighting
 18. Details of biodiversity improvement measures, including biodiverse roofs, bird and bat boxes.
 19. Final energy strategy which ensures CO2 emission savings of at least 69%
 20. Details of heat network
 21. Details of Secure by Design measures
 22. Details of Sustainable Urban Drainage Systems
 23. Details of mechanical plant and details of any lift overruns

Prior to occupation

24. Delivery & Servicing and Waste Management Plan
25. Removal of temporary sub-station

Post-Occupation

26. BREEAM Certificate (Excellent Rating)
27. Energy Efficiency and Sustainability Measures (subject to post completion verification)
28. Post-completion noise report

8.6 Informatives

1. Permission subject to legal agreement.
2. Thames Water – proximity to assets.

APPENDIX 1

LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

Existing Drawings

Application Drawing No.	Revision No.	Description
3315-TSP-ZZ-00-DR-A-04-001	P02	Existing Location Plan
3315-TSP-ZZ-00-DR-A-04-002	P02	Existing Site Plan
3315-TSP-ZZ-XX-DR-A-04-003	P01	Existing North/South Elevations
3315-TSP-ZZ-XX-DR-A-04-004	P01	Existing East/West Elevations
3315-TSP-ZZ-XX-DR-A-04-005	P01	Existing Site Sections
3315-TSP-ZZ-XX-DR-A-04-006	P01	Existing Outbuildings Elevations

Proposed Drawings

Application Drawing No.	Revision No.	Description
3315-TSP-ZZ-00-DR-A-05-001	P06	Proposed Location Plan
3315-TSP-ZZ-00-DR-A-05-002	P03	Proposed Site Plan
3315-TSP-ZZ-00-DR-A-05-003	P02	Proposed Site Plan
3315-TSP-ZZ-00-DR-A-05-004	P03	Proposed Site Plan (Cumulative)
3315-TSP-ZZ-B1-DR-A-05-005	P02	Proposed Basement Plan
3315-TSP-ZZ-00-DR-A-05-006	P02	Proposed Ground Floor Plan
3315-TSP-ZZ-01-DR-A-05-007	P02	Proposed First/Mezzanine Floor Plans
3315-TSP-ZZ-B1-DR-A-05-008	P02	Proposed Second – Fifth Floor Plans
3315-TSP-ZZ-07-DR-A-05-009	P02	Proposed Roof Plan
3315-TSP-ZZ-XX-DR-A-05-700	P02	Proposed North-South Elevation
3315-TSP-ZZ-XX-DR-A-05-701	P02	Proposed East-West Elevation
3315-TSP-ZZ-XX-DR-A-05-800	P02	Proposed Section A-A
3315-TSP-ZZ-XX-DR-A-05-801	P02	Proposed Sections B-B/C-C
3315-TSP-ZZ-XX-DR-A-05-802	P02	Proposed Section D-D

Other application documents

Document Title	Prepared By
Covering Letter 20/12/21	Stantec
Arboriculture Impact Assessment and Method Statement	ACD Environmental Ltd
Air Quality Assessment	ACD Environmental Ltd
Archaeological Desk-based Assessment	Durham University
Aviation Safeguarding Assessment	Eddows Aviation
BREEAM Pre-Assessment	Norman, Disney & Young
Circular Economy Report	Norman, Disney & Young
Design & Access Statement	TTSP
Ecological Assessment Report	Stantec
Energy strategy	Stantec
Fire Safety Statement	Norman, Disney & Young
Flood Risk Assessment	Stantec
Health Impact Assessment Screening	Stantec
Heritage Statement	KM Heritage
Lighting Assessment	Stantec
Outline Construction Logistics Plan	Stantec
Phase 1 Ground Conditions Assessment	Stantec
Planning & Community Involvement Statement	Stantec

APPENDIX 2

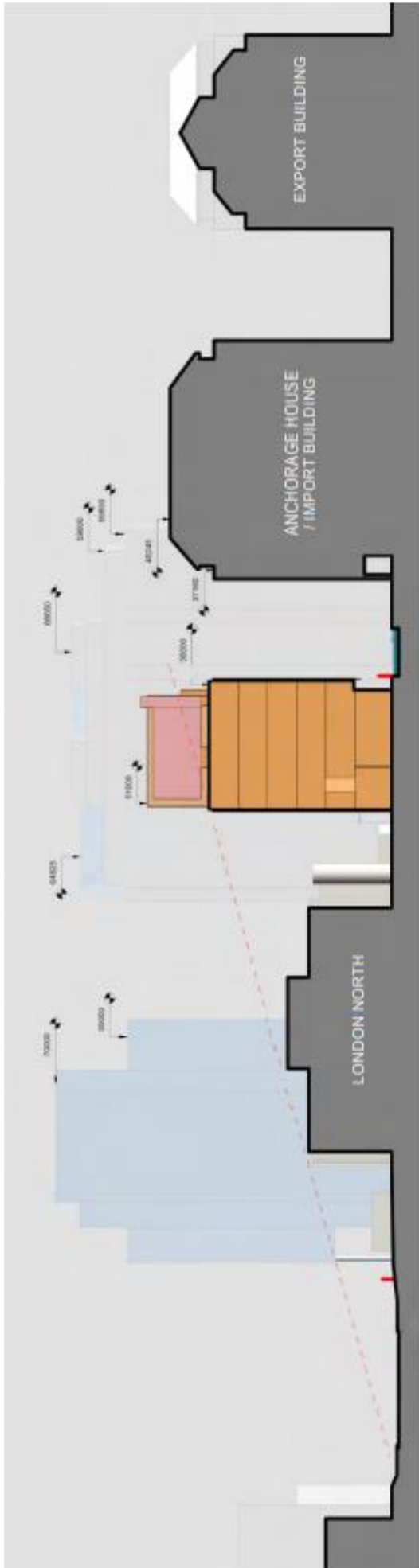
SELECTION OF APPLICATION PLANS AND IMAGES



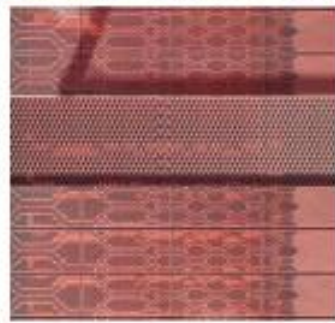
3D block model view from A13



3D block model view from A13 Intersection







Inspirations & Precedents



Inspirations & Precedents





Inspirations & Precedents





Before



After



Before



After



Before



After

