

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 9 October 2008 at 7.30 p.m.

A G E N D A

VENUE

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Shafiqul Haque Vice-Chair: Councillor Ahmed Adam Omer	
Councillor M. Shahid Ali Councillor Lutfa Begum Councillor Alibor Choudhury Councillor Stephanie Eaton Councillor Joshua Peck Councillor Dulal Uddin Vacancy	Councillor Marc Francis, (Designated Deputy representing Councillor Shafiqul Haque, Md. Shahid Ali, Alibor Choudhury, Ahmed Omer and Joshua Peck) Councillor Fazlul Haque, (Designated Deputy representing Councillor Shafiqul Haque, Md. Shahid Ali, Alibor Choudhury, Ahmed Omer and Joshua Peck) Councillor Azizur Rahman Khan, (Designated Deputy representing Councillor Stephanie Eaton) Councillor Rania Khan, (Designated Deputy representing Councillor Lutfa Begum) Councillor Abdul Matin, (Designated Deputy representing Councillor Stephanie Eaton) Councillor Abjol Miah, (Designated Deputy

representing Councillor Dulal Uddin)
Councillor Harun Miah, (Designated
Deputy representing Councillor Dulal
Uddin)
Councillor Abdul Munim, (Designated
Deputy representing Councillor Dulal
Uddin)
Councillor Tim O'Flaherty, (Designated
Deputy representing Councillor Stephanie
Eaton)
Councillor Oliur Rahman, (Designated
Deputy representing Councillor Lutfu
Begum)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Alan Ingram, Democratic Services,
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LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 9 October 2008

7.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 28th August 2008.

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4. RECOMMENDATIONS

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 Development and Renewal 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 Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee. **19 - 20**

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7 .1 St. Andrew's Hospital, Devas Street, London, E3 3NT (PA/08/1161) 99 - 138 Bromley-By-Bow

7 .2 St. Andrew's Hospital, Devas Street, LONDON, E3 3NT (PA/08/1162) 139 - 168 Bromley-By-Bow

7 .3 Site at 2 Trafalgar Way, London 169 - 210 Blackwall & Cubitt Town

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.

- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

APPENDIX 2

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 28 AUGUST 2008

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Shafiqul Haque (Chair)

Councillor M. Shahid Ali
Councillor Alibor Choudhury
Councillor Stephanie Eaton
Councillor Ahmed Adam Omer (Vice-Chair)
Councillor Joshua Peck
Councillor Dulal Uddin

Councillor Rania Khan

Other Councillors Present:

Councillor Shahed Ali
Councillor Marc Francis
Councillor Fazlul Haque
Councillor Ann Jackson
Councillor Azizur Rahman Khan
Councillor Abjol Miah
Councillor Tim O'Flaherty
Councillor M. Mamun Rashid
Councillor Bill Turner

Officers Present:

Suki Binjal	– (Interim Legal Services Manager)
Megan Crowe	– (Legal Services Team Leader, Planning)
Stephen Irvine	– (Development Control Manager, Planning)
Michael Kiely	– (Service Head, Development Decisions)
Terry Natt	– Strategic Applications Manager
Jen Pepper	– (Affordable Housing Programme Manager)
Alison Thomas	– (Private Sector and Affordable Housing Manager, Housing Development, Development & Renewal)
Amanda Thompson	– (Team Leader - Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Lutfa Begum. Councillor Rania Khan deputised in her place.

2. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Type of Interest	Reason
Shafiqul Haque	2 Gladstone Place & 13-22 Damien Street	Personal	Involved in Cabinet decisions relating to sale of land and development plans. Visited the site
M. Shahid Ali	All	Personal	Communication received from parties involved
Alibor Choudhury	18-22 Damien Street	Personal	Visited the Mosque
Stephanie Eaton	2 Gladstone Place & 18-22 Damien Street	Personal	Representations received
Ahmed Omer	2 Gladstone Place & All	Personal	Application is within Councillor's ward. Representations received.
Josh Peck	2 Gladstone Place	Personal	Lead Member with responsibility for sale of Council land. Involved in Cabinet decisions relating to sale and development plans.
Marc Francis (in attendance)	2 Gladstone Place	Prejudicial	Old Ford Housing Association Board Member
Ann Jackson (in attendance)	2 Gladstone Place	Personal	Site adjacent to Councillor's ward. Lives in the vicinity of the site.

3. UNRESTRICTED MINUTES

The minutes of the meeting held on 10 July 2008 were agreed as a correct record, subject to the following amendment to Councillor Ann Jackson's declaration of interest (in italics):

Site *adjacent* to Councillors ward.

4. RECOMMENDATIONS

The Committee RESOLVED that, in the event of any changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting, and 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 Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure and those who had registered to speak.

6. DEFERRED ITEMS

6.1 2 Gladstone Place, London

Mr Stephen Irvine, Development Control Manager, presented a detailed update report on the application, which had been considered at the last meeting. Members had raised a number of concerns in relation to a taxi pick-up/drop off area, the affordable housing tenure mix, lack of child play space provision and noise issues, and responses to these concerns were addressed within the report.

In response to questions Mr Irvine advised that consideration was given to the GLA's view as it had the right to direct refusal, however the Council could still take a different view based on its consideration of local circumstances. With regard to the taxi pickup/drop off, taxis were permitted to do so on double yellow lines if they did not impede flow of traffic and this was considered to be a better option than removing a residential parking space.

Members noted that consultation with residents had taken place at the pre-application stage, and the design of the supermarket took on board safety concerns and the views of the police.

On a vote of 5 for and 2 against the Committee RESOLVED that planning permission for the demolition of the existing buildings occupying the site and its redevelopment to provide five buildings of between four and ten storeys in height accommodating 2,687 sqm retail floorspace (Class A1) and 208

residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; and 6 x 5 bed), 104 parking spaces and landscaped public, communal and private amenity space at 2 Gladstone Place, London be GRANTED subject to:

- A. Any **direction** by **The Mayor**
- B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
 1. Affordable housing provision of 35% of the proposed habitable rooms with a 71/29 split between rented/ shared ownership to be provided on site.
 2. A contribution of £293,324 to mitigate the demand of the additional population on health care facilities.
 3. A contribution of £333,234 to mitigate the demand of the additional population on education facilities.
 4. Provide £620,000 towards open space/ public realm improvements, which have been designed into the proposed scheme, though they are located off-site. This contribution is required to relieve the pressure that will arise from the new dwellings on existing open space/ public realm within the area.
 5. A contribution of £50,000 towards the provision of child play space facilities in Victoria Park to meet the recreational needs of the 12 – 16 year old age group.
 6. The provision of £388,442 towards Roman Road district shopping centre regeneration works.

(Officer Comment: During the pre-application process, the LBTH Market Services inquired of the applicant to explore provision of market trader parking spaces within the proposed car parking area to accommodate an identified need. The market currently operates 3 times a week.

The applicant explored a number of options and identified that the scheme could viably provide up to 16 market trader spaces on site as a planning contribution if required, and was designed into the scheme and assessed accordingly. The applicant advised that if the Council determined that these spaces were no longer required the spaces could be allocated and sold to the residents of the development. The capital receipt (valued at approximately £400,000) would then be transfer to the Council as a s106 financial contribution towards Roman Road district shopping centre regeneration improvement works.

Upon submission of the application, further investigation was undertaken to evaluate the appropriateness of on-site market trader spaces. The

LBTH Market Services has advised that a more suitable solution in meeting the needs of market traders is to identify opportunities for on-street trader parking spaces within the local area. This was considered to be a more appropriate solution than providing trader spaces within the Gladstone Place development.

In accordance with the Council's Strategic Plan and the London Plan, in terms of improving existing town centres, the Council is currently preparing a program of delivery works that will assist in the regeneration the Roman Road district shopping centre. The LBTH Development Implementation Team, who is tasked with the role of pushing forward the regeneration of the Roman Road, has advised that a financial contribution is imperative in securing much needed capital to deliver this programme that will assist in mitigating any negative impacts that additional residential and retail uses may bring to the immediate environs, including the proposed development.

This regeneration program is essential to help sustain and improve the town centre for new residents and businesses. This funding will allow for a multi - faceted approach to regenerating the town centre, rather than addressing trader parking alone. As such, in consideration of the schemes viability assessment, a financial contribution of £388,442 towards the regeneration of Roman Road district shopping centre is considered reasonable).

7. A contribution of £135,000 towards highway improvement works on Cardigan Road which will include, resurfacing works to the carriageway, upgrade of the eastern footway and a raised table at the junction of Cardigan Road and Anglo Road (including the proposed access to the site).
8. Exclusion of delivery traffic from the locality of the store until the appropriate delivery times conditioned by the planning permission.
9. The provision of a north-south and east west-public walkway through the site
10. Completion of a car free agreement to restrict occupants applying for residential parking permits.
11. TV reception monitoring and mitigation;
12. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
13. Commitment towards Code of Construction Practice.

That the Head of Development Decisions is delegated power to impose conditions on the planning permission to secure the following:

Conditions

1. Permission valid for 3 years.
2. Details of the following are required:
 - Samples for all external materials to be submitted with detail specifications.
 - 1:10 scale details for typical elevation conditions including balconies, window reveals, roof parapet, glazing
 - Cardigan Road elevation – including the treatment of the parking and service access and shutter if proposed. This will include details of signage, lighting and a green wall.
 - All landscaping (such as roof level brown and/or green roof systems, courtyard area, and ground floor play space, open space and public realm works) including lighting and security measures, play equipment, planting, finishes, levels, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins. The landscaping detail should mitigate any resultant wind environment at ground floor and podium levels; and
 - The design of the lower floor elevations of commercial units including shopfronts;
3. No exit/entry doors are permitted to open outwards over the public highway.
4. Landscape Maintenance and Management Plan. Native species should be implemented, including green/brown roofs.
5. Parking – maximum of 74 residential car parking spaces (including 7 disabled spaces and 2 car club spaces), 30 commercial car parking spaces (including 4 disabled spaces), 10 residential and 4 commercial motor cycle spaces, and a minimum of 208 residential and 21 non-residential bicycle parking spaces.
6. Archaeological investigation.
7. Investigation and remediation measures for land contamination (including water pollution potential).
8. Full particulars of the following:
 - Surface/ foul water drainage plans/ works; and
 - Surface water control measures.
9. Construction Environmental Management Plan, including dust monitoring
10. Submission of details of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
11. Details of the operating hours for the A1 use/s to be submitted and approved prior to the date of occupation.
12. No deliveries to the A1 use/s shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs.
13. No noise nuisance to be caused to neighbouring residents. Permissible noise levels are as follows: 08:00-18:00 Monday to Friday Max Leq

- 75dB (A) Leq 10 hour at the nearest premises and 08:00-13:00 Saturday
Max Leq 75dB (A) Leq 5 hour at the nearest premises. These noise
limits apply at 1 metre from the façade of any occupied building.
14. Limit hours of construction to between 8.00 Hours to 18.00 Hours,
Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays and no
working on Sundays or Public Holidays
 15. Limit hours of power/hammer driven piling/breaking out to between 10.00
Hours to 16.00 Hours, Monday to Friday.
 16. Sound insulation mitigation measures to be implemented in accordance
with the Noise and Vibration Assessment and LBTH Environmental
Health advice.
 17. During the demolition and construction phases of the proposed
development, a programme of on-site vibration monitoring is required to
demonstrate compliance with London Borough of Tower Hamlets
standards. Measured ground borne vibrations should not exceed a peak
particle velocity of 1 mm/s at any occupied residential property and 3
mm/s at any other property.
 18. All residential accommodation to be built to Lifetime Homes standard,
including at least 10% of all housing being wheelchair accessible.
 19. Submit a Green Travel Plan, for both the commercial and residential
elements, to be maintained for the duration of the development.
 20. Delivery and Service Management Plan, including management details
for the car park and service/delivery area, including details of the car club
spaces and security point adjacent to the car park entrance). Also,
management details of the refuse and recycling facilities are required.
 21. Submit Secure by Design Statement to address the design of the ground
floor pocket park and north-south route, lighting and planting details
along Gladstone Walk, lighting along the north and south elevations of
Block E, and the use of CCTV cameras throughout the site.
 22. Provision of electrical charging points for vehicles.
 23. Details of the highway works surrounding the site
 24. Any other condition(s) considered necessary by the Head of
Development Decisions

Informatives

1. Section 106 agreement required.
2. Section 278 (Highways) agreement required.
3. Site notice specifying the details of the contractor required.
4. Construction Environmental Management Plan Advice.
5. Environmental Health Department Advice.
6. English Heritage Advice
7. Parking Services Advise – Traffic Management Order
8. Metropolitan Police Advice.
9. Transport Department Advice.
10. Contact the GLA regarding the energy proposals.
11. Contact Thames Water for water and sewage infrastructure advice

That, if by 28th November 2008 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

(Councillor Dulal Uddin could not vote on the application as he had not been present at the previous meeting when the application had been considered)

(Councillor Marc Francis declared a prejudicial interest in the above item and left the room during the consideration by Members)

6.2 St George's Estate, Cable Street, London E1

Mr Stephen Irvine, Development Control Manager, presented a detailed update report on the application which had been deferred from the last meeting in order to enable further negotiation in respect of increasing the amount of affordable housing and the mix of social rented accommodation.

The Committee was advised that on the basis that grant funding was now likely to be secured to deliver the scheme, the applicant now wished to pursue 'Option 1' which would make provision for 35% affordable housing.

Alison Thomas, Manager, Social Housing Group, reported that although previously the housing Corporation had only provided for new housing, given the current economic climate and the slowing down of the construction of new homes, there had been a positive indication that funding would be forthcoming.

In response to Members' concerns about the reduction of car parking provision in the estate and the impact on the safety of pupils attending Shapla Primary School, Mr Irvine advised that the provision of an additional exit was intended to reduce congestion, and the applicant would be required to provide visibility splays. Also the Council's Highways department was satisfied that the scheme did not present a road safety risk.

With regard to Transport for London's objection and the highway trees, Members noted that these were not subject to a tree preservation order nor were they located in a Conservation area. Also a condition could be imposed concerning pruning.

On a vote of 5 for and 0 against, the Committee RESOLVED that planning permission for the refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings (13 x studios; 67 x 1 bed; 79 x 2 bed; 22 x 3 bed; 7 x 4 bed and 5 x 5 bed) and the erection of four townhouses and a community centre of 510 sqm and landscaping at St Georges Estate, Cable Street, London be GRANTED subject to the prior completion of a legal agreement to secure the following planning obligations:

(1): Affordable housing provision of 35% of the proposed habitable rooms with a 71/29 split between rented/ shared ownership to be provided on site.

(2): A contribution of £313,548 to mitigate the demand of the additional population on health care facilities.

(3): A contribution of £537,000 to mitigate the demand of the additional population on education facilities.

(5): A contribution of £25,000 for the improvements of bus stops on Bethnal Green Road and Shoreditch High Street

(6): A contribution of £151,000 towards improving street environment and walking links between the development

(4): £2,093,978 for cultural, social and community products and for the provision of workspace off site.

(5): Completion of a car free agreement to restrict occupants applying for residential parking permits.

(7): TV reception monitoring and mitigation.

(8): Commitment towards utilising employment initiatives in order to maximise the employment of local residents.

(9): Preparation, implantation and review of a Green Travel Plan.

(10): Preparation, implantation and review of a Service Management Plan.

That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

- 1) Permission valid for 3 years
- 2) Details of the following are required: material including samples of proprietary directional glazing, CCTV, external landscaping including semi mature trees (to be maintained for 5 years)
- 3) Details of visibility splays on Wellclose Square are required
- 4) Full refuse details
- 5) Demolition and Construction Management Plan
- 6) Amending condition

- bicycle parking details (1 cycle space per unit)
- 7) Energy efficiency strategy implementation
- 8) Disabled car parking details
- 9) Bicycle parking details
- 10) Wind Assessment
- 11) Telecommunications study
- 12) Soil contamination
- 13) Highways works
- Limit hours of power/hammer driven piling/breaking out to between 10.00 hours to 16.00 hours Monday to Friday
- 14) Archaeological evidence details
- 15) Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 9.00 Hours to 17.00 Hours on Saturdays.
- 16) Community centre to be restricted to D1 use
- 17) Servicing management Plan
- 18) Details on foul & surface drainage systems
- 19) Storage facilities for oil, fuels or chemicals
- 20) Surface water source control measures
- 21) Car park management plan
- 22) Noise assessment
- 23): The applicant shall apply for a scaffolding licence with TfL
- 24): Details of excavation works of site 10 shall be submitted and approved.
- 25) Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

(Councillors Rania Khan and Dulal Uddin could not vote on the application as neither had not been present at the previous meeting when the application had been considered).

7. PLANNING APPLICATIONS FOR DECISION

7.1 Newfoundland, Canary Wharf

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for planning permission for the erection of a 37 storey tower and a part 4/5 storey podium comprising a 150 bedroom Hotel (Class C1) and 78 serviced apartments (Sui Generis), together with ancillary restaurant facilities and servicing and parking areas including a drop off facility; provision of 1,300sqm of retail units (Class A1 to A4) at ground and basement level, a 1,580sqm restaurant (Class A3) at first floor level and 2,310sqm of education and training use (Class D1) at second and part third floor level; construction of basement for retail units (Class A1 to A4) and plant; construction of subterranean pedestrian link to the Jubilee Place retail mall and the Jubilee Line Station; provision of a new publicly accessible open space, dockside

walkway and landscaping together with other works incidental to the application.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application and answered Member's questions on the level of Section 106 funding. He advised that as the application was not just for business/retail development, there was no justification to ask for more. Although the serviced apartments were aimed at the business market, they were limited to a ninety day stay and therefore the occupants would not impact on the local schools and health services.

On a vote of 7 for and 0 against , the Committee RESOLVED to DEFER consideration of the application for planning permission for the erection of a 37 storey tower and a part 4/5 storey podium comprising a 150 bedroom Hotel (Class C1) and 78 serviced apartments (Sui Generis), together with ancillary restaurant facilities and servicing and parking areas including a drop off facility; provision of 1,300sqm of retail units (Class A1 to A4) at ground and basement level, a 1,580sqm restaurant (Class A3) at first floor level and 2,310sqm of education and training use (Class D1) at second and part third floor level; construction of basement for retail units (Class A1 to A4) and plant; construction of subterranean pedestrian link to the Jubilee Place retail mall and the Jubilee Line Station; provision of a new publicly accessible open space, dockside walkway and landscaping together with other works incidental to the application in order to take Counsel's legal advice on the level of s106 funding contained in the application and if appropriate to undertake further negotiation of the level of Section 106 funding contained in the application.

7.2 Second Floor, 18-22 Damien Street, London, E1 2HX

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for planning permission for the change of use of the second floor from a music studio complex (Use Class B1) to educational facilities (Use Class D1) together with internal alterations.

Mr Kent Brainerd spoke in objection on the grounds that the applicant was claiming that increased capacity of the school was greatly needed, however the students of the existing school created noise nuisance and anti-social behaviour which would be exacerbated by the expansion of the school.

Ms Bishi Bhattacharya spoke in objection as a musician who regularly used Jamestown Studios, a very industrious facility which provided diversity to the neighbourhood, the closure of which would be disastrous for the numerous musicians, composers and producers who depended on it. The musicians also provided music tuition in several local schools.

Mr David Black and Mr Alan Wipperman spoke on behalf of the applicant, both in support of the scheme. Mr Black outlined the benefits of the scheme

which would allow additional educational and community facilities to be provided, including language classes for women. Mr Wipperman advised that allowing the school's capacity to increase would also enable the employment of an additional 13 full-time staff.

Mr Stephen Irvine, Development Control Manager, presented a detailed report on the application, and advised that UDP policies supported both uses and therefore Members would need to balance the benefits of both. Officers were recommending refusal as the proposal would lead to the loss of a valuable resource which was not available elsewhere in the Borough, and also the loss of numerous specialist employment opportunities.

In response to a question concerning the applicant's previous application which had been withdrawn following judicial review, Mr Irvine advised that new information on the benefits of the proposal had been provided by the applicant. However officers were still of the view that the existing use provided a unique facility for which there was no comparable provision.

Members of the Committee also asked questions in relation to the options for relocating Jamestown Studios, the views of the local community, and the implications of the loss of the facility. Mr Irvine advised that no alternative sites had been offered by the applicant, the loss of which would result in the loss of a locally significant music facility which provided valuable facilities for musicians and businesses in the Borough. The opinion of the local community had been mixed with a significant level of support and opposition.

Following the debate by the committee, Councillor Alibor Choudhury moved a motion to grant planning permission. This was seconded by Cllr Mohammed Shahid Ali and accepted by the Chair. Because that motion would be against the recommendation in the report, the usual procedure of the committee on the advice of the officers is to defer the vote on the new motion to grant permission so that officers could bring a further report to the committee advising upon the new proposal.

On a vote of 6 for and 2 against, the Committee RESOLVED that it was minded to GRANT planning permission for the change of use of the second floor from a music studio complex (Use Class B1) to educational facilities (Use Class D1) but because that decision was against the recommendation any further consideration of the application was DEFERRED to enable a further report to be presented to the committee to advise them on the decision they have indicated that they are minded to take.

7.3 1 Park Place, London, E14 4HJ

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for planning permission for the demolition of the existing building and structures on the site and erection of a new building (196.67m high) providing 122,615 sq.m of floorspace (office & retail), underground parking, services

and plant and provision of a new publicly accessible walkway to dockside at 1 Park Place, London.

Mr Simon Slatford spoke in objection on the grounds of overdevelopment and expressed his concern that the issues of overshadowing and the impact on neighbouring properties had not been assessed. The proposed building would also obscure the view of the pyramid building.

Mr Dara Miah spoke in support of the application stating that the proposal would benefit the local community.

Mr Julian Carter spoke on behalf of the applicant and detailed the benefits of the scheme. He advised that an impact assessment had addressed the issues raised in objection and that officers had found these acceptable.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application and responded to questions concerning the benefits for young people and the local community, and the design of the building.

On a vote of 6 for and 1 abstention, the Committee RESOLVED that planning permission for the demolition of the existing building and structures on the site and erection of a new building (196.67m high) providing 122,615 sq.m of floorspace (office & retail), underground parking, services and plant and provision of a new publicly accessible walkway to dockside be GRANTED subject to

- A. Any **direction** by **The Mayor**
- B. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Contributions

- a) Provide a contribution of **£440,342** towards education, training and employment initiatives for residents and improvements to the Mile End Park and other local leisure and recreational facilities.
- b) Provide a contribution of **£239,081** towards highway improvements
- c) Provide **£358,621** towards securing Local Labour in Construction initiatives.
- d) Provide a contribution of **£7,014,149** towards off-site provision of affordable housing
- e) Provide **£3,700,000** towards transport infrastructure, specifically:
 - i. Docklands Light Railway three carriage capacity enhancement works;
 - ii. Canary Wharf Underground station improvements;
- f) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

(Total S.106 contribution = **£11,752,243**)

Non-financial Contributions

- g) Travel Plan – to promote the use of sustainable travel;
- h) Publicly Accessible Walkways - Maintenance and with unrestricted public access to dockside walkway;
- j) Provision of Public Art;
- k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- 1) Time Limit (3 years)
- 2) Particular details of the development
 - External materials;
 - 1:1 scale sample for typical cladding system;
 - External plant equipment and any enclosures;
 - Hard and soft landscaping; and
 - External lighting and security measures
- 3) Full particulars of energy efficiency technologies required
- 4) Submission of BREEAM assessment required.
- 5) Hours of construction
- 6) Biodiversity Action Plan required
- 7) Demolition and Environmental Construction Management Plan required including feasibility study and details of moving waste and materials by water during construction
- 8) Service Management Plan
- 9) Employment and Training Strategy required
- 10) Noise control limits
- 11) Land contamination assessment required
- 12) Programme of archaeological work required
- 13) Programme of recording and historical analysis of archaeological evidence
- 14) Details of proposed foundation details to be agreed by LUL
- 15) Designated motorcycle spaces to be used solely for the parking of motorcycles
- 16) Scheme for design and implementation of flood warning system
- 17) Landscape Management Plan
- 18) Light spill to dock controlled
- 19) Details of construction of storage facilities for oils, fuels and chemicals
- 20) No solid matter stored within 10m of the banks of the dock
- 21) Protection of public sewers
- 22) Impact study of the existing water supply infrastructure required
- 23) Control of development works (restricted hours of use for hammer driven

- piling or impact breaking)
- 24) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 1) Contact Thames Water
- 2) Contact London City Airport regarding cranes and scaffolding
- 3) Contact LBTH Building Control
- 4) Contact British Waterways
- 5) Contact Environment Agency
- 6) Contact London Fire & Emergency Planning Authority
- 7) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

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

The meeting ended at 10.16 a.m.

Chair, Councillor Shafiqul Haque
Strategic Development Committee

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Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

Provisions in the Council's Constitution (Part 4.8) relating to public speaking:

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be notified by letter that the application will be considered by Committee at least three clear days prior to the meeting. The letter will explain these provisions regarding public speaking.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant committee from time to time (see below).
- 6.3 All requests to address a committee must be made in writing or by email to the committee clerk by 4pm on the Friday prior to the day of the meeting. This communication must provide the name and contact details of the intended speaker. Requests to address a committee will not be accepted prior to the publication of the agenda.
- 6.4 After 4pm on the Friday prior to the day of the meeting the Committee clerk will advise the applicant of the number of objectors wishing to speak.
- 6.5 The order of public speaking shall be as stated in Rule 5.3, which is as follows:
 - An objector who has registered to speak
 - The applicant/agent or supporter
 - Non-committee member(s) may address the Committee for up to 3 minutes
- 6.6 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to members of the Committee is not permitted.
- 6.7 Following the completion of a speaker's address to the committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.8 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the chair, committee members may ask questions of a speaker on points of clarification only.
- 6.9 In the interests of natural justice or in exceptional circumstances, at the discretion of the chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.10 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

Public speaking procedure adopted by this Committee:

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors (ie 3 or 6 minutes).
- For objectors, the allocation of slots will be on a first come, first served basis.
- For the applicant, the clerk will advise after 4pm on the Friday prior to the meeting whether his/her slot is 3 or 6 minutes long. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or non-committee members registered to speak, the chair will ask the Committee if any member wishes to speak against the recommendation. If no member indicates that they wish to speak against the recommendation, then the applicant or their supporter(s) will not be expected to address the Committee.

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Agenda Item 6

Committee: Strategic Development	Date: 9 October 2008	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Michael Kiely		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
28 August 2008	PA/08/598	Newfoundland, Canary Wharf Millwall Ward	Erection of a 37 storey tower and a part 4/5 storey podium comprising a 150 bedroom Hotel (Class C1) and 78 serviced apartments (Sui Generis), together with ancillary restaurant facilities and servicing and parking areas including a drop off facility; provision of 1,300sqm of retail units (Class A1 to A4) at ground and basement level, a 1,580sqm restaurant (Class A3) at first floor level and 2,310sqm of education and training use (Class D1) at second and part third floor level; construction of basement for retail units (Class A1 to A4) and plant; construction of subterranean pedestrian link to the Jubilee Place retail mall and the Jubilee Line Station; provision of a new publicly accessible open space, dockside walkway and landscaping together with other works incidental to the application.	Officers to take Counsel's legal advice on the level of s106 funding contained in the application and if appropriate to undertake further negotiation of the level of Section 106 funding contained in the application.

**LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6**

Brief Description of background papers:
Application, plans, saved UDP, Interim Planning Guidance and London Plan

Tick if copy supplied for register:

✓

Name and telephone no. of holder:

Eileen McGrath (020) 7364 5321

28 August 2008	PA/08/00881	Second Floor, 18-22 Damien Street, London, E1 2HX Whitechapel Ward	Change of use of second floor from music studios (Use Class B1) to educational facilities (Use Class D1) together with internal alterations	Committee indicated that it was minded to go against officer's recommendation. A supplementary report is therefore necessary
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3. CONSIDERATION OF DEFERRED ITEMS

3.1 The following deferred applications are for consideration by the Committee. The original reports along with any update reports are attached.

6.1 PA/08/598: Erection of a 37 storey tower and a part 4/5 storey podium comprising a 150 bedroom Hotel (Class C1) and 78 serviced apartments at Newfoundland, Canary Wharf

6.2 PA/08/00881: Change of use of second floor from music studios (Use Class B1) to educational facilities (Use Class D1) together with internal alterations at Second Floor, 18-22 Damien Street, London, E1

3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

4. PUBLIC SPEAKING

4.1 As public speaking has already occurred when the Committee first consider these deferred items, the Council's constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

5.1 The Committee to note the position relating to deferred items and to take any decisions recommended in the attached reports.

Agenda Item 6.1

Committee: Strategic Development	Date: 9 October 2008	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Tim Porter		Ref No: PA/08/598	
		Ward(s): Millwall	

1. APPLICATION DETAILS

Location: Newfoundland, Canary Wharf, (Land bounded by Park Place, Westferry Road & Heron Quays Road)

Existing Use: Erection of a 37 storey tower and a part 4/5 storey podium comprising a 150 bedroom Hotel (Class C1) and 78 serviced apartments (Sui Generis), together with ancillary restaurant facilities and servicing and parking areas including a drop off facility; provision of 1,300sqm of retail units (Class A1 to A4) at ground and basement level, a 1,580sqm restaurant (Class A3) at first floor level and 2,310sqm of education and training use (Class D1) at second and part third floor level; construction of basement for retail units (Class A1 to A4) and plant; construction of subterranean pedestrian link to the Jubilee Place retail mall and the Jubilee Line Station; provision of a new publicly accessible open space, dockside walkway and landscaping together with other works incidental to the application.

Drawing Nos: 368-10-001 Rev PL1, 368-10-002 Rev PL1, 368-10-098 Rev PL2, 368-10-100 Rev PL3, 368-10-101 Rev PL2, 368-10-102 Rev PL2, 368-10-103 Rev PL2, 368-10-104 Rev PL1, 368-10-105 Rev PL1, 368-10-106 Rev PL1, 368-10-107 Rev PL1, 368-10-121 Rev PL1, 368-10-122 Rev PL1, 368-10-123 Rev PL1, 368-10-135 Rev PL1, 368-10-137 Rev PL1, 368-10-200 Rev PL2, 368-10-203 Rev PL1, 368-10-300 Rev PL1, 368-10-301 Rev PL1, 368-10-302 Rev PL2, 368-10-303 Rev PL2

- Design and Access Statement (March 2008)
- Planning Statement (March 2008)
- Energy Strategy (April 2008) and Energy Strategy Addendum (July 2008)
- Transport Assessment (March 2008)
- Waste Management Strategy (March 2008)
- Sustainability Statement (March 2008)
- Wind Effects Study (March 2008)
- Visual Impacts Study (March 2008)
- Daylight and Sunlight Report (March 2008)
- Archaeological Desk-based Assessment (March 2008)
- Interim Travel Plan (March 2008)
- Habitat Survey Report (March 2008)
- Flood Risk Assessment (March 2008)
- Hotel and Serviced Apartment Statement (March 2008)
- Statement of Community Involvement (March 2008)
- Environmental Statement (April 2008)
- Environmental Statement Addendum - Volume 6 (May 2008)
- Regulation 19 Response – Volume 7 (June 2008)

Applicant: • Regulation 19 Response – Volume 8 (July 2008)
 South Quay Properties Ltd
Owner: Various
Historic Building: Grade I listed dock wall borders the eastern boundary of the site
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:
- 2.2 • The principle of redevelopment of this currently under-utilised Opportunity Area site for a hotel-led scheme will contribute to the strategic target for new hotel accommodation. It will complement Canary Wharf's role as a leading centre of business activity and in this respect will support London's world city status. The serviced apartments will provide short-term accommodation for the international business sector. The scheme therefore accords with policies 3D.7 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), ART1 and CAZ1 of the Council's Unitary Development Plan 1998, policies CP13 and EE4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and policy IOD15 of the Interim Planning Guidance Isle of Dogs Area Action Plan, which seek to develop and support Canary Wharf's role as a leading centre of business activity within London.
- 2.3 • The retail (Class A1), financial and professional services (Class A2), restaurant and café (Class A3) and drinking establishment (Class A4) are acceptable as they will provide for the needs of the development and demand from surrounding uses, and also employment in a suitable location. As such, it is in line with policies 3D.1, 3D.3 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), saved policies DEV1 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1 and RT4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control and policies IOD4 and IOD15 of the Isle of Dogs Area Action Plan (2007) which seek to ensure services are provided that meet the needs of the local community and to promote entertainment, food and drink premises and retail in the Isle of Dogs, specifically within the Northern sub-area and along the docksides.
- 2.4 • The training and education centre (Class D1) is considered to accord with policy 3B.11 of the London Plan (Consolidated with Alterations since 2004), saved policy EMP6 of the UDP (1998) and policies CP7 and CP29 and of the Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve employment opportunities available for local people by enhancing the training and skills infrastructure.
- 2.5 • The new public realm will enhance pedestrian access and animate the dock edge in accordance with policies 4B.11, 4C.13 and 4C.23 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV48 of the Council's Unitary Development Plan 1998 and policies CP30, DEV2, DEV 3, DEV4 and OSN3 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to protect and promote the vitality, attractiveness and historic interest of the docks, and to ensure that the design of waterside developments integrate successfully with the water space.
- 2.6 • The building height, scale, bulk and design is acceptable. The development is therefore

considered to be in line Planning Policy Guidance 15, policies 4B.1, 2, 3, 5, 8, 9, and 10 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV4, DEV 27, CON 1 and CON5 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure tall buildings are of a high quality design and suitably located whilst also seeking to protect and enhance regional and locally important views.

- 2.7
- The proposed development will not have a detrimental impact upon the Grade I listed dock wall and would enhance the historic character and importance, subject to conditions regarding construction methods. As such, the scheme is in line with and policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004) and policy CON1 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to protect listed buildings and structures within the Borough and London respectively.
- 2.8
- Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote sustainable development practices.
- 2.9
- Transport matters, including parking, access and servicing, are acceptable and in line with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies T16, T18 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure there are no detrimental highways impacts created by the development and to promote sustainable transport options.
- 2.10
- Contributions have been secured towards the provision of social and community infrastructure; tourism facilities, public transport improvements; open space and public realm; Thames path and cycle route improvements, and access to employment for local people in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

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

B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following planning obligations:

Financial Contributions

- a) A financial contribution of **£144,449** towards open space improvements. This will fund improvements to the visitor/tourist facilities at Island Gardens for:
 - i. A high quality design cafe/visitor centre/ranger base; and
 - ii. Associated managed public toilets;
- b) Provide a contribution of **£50,000** for public realm improvements within the surrounding area;
- c) Provide a contribution of **£200,000** towards social and community facilities. In line with similar developments elsewhere within the Canary Wharf estate, the projects/improvements are defined under specific headings within the S106

agreement, these being:

- i. Isle of Dogs Community Foundation (£150,000); and
 - ii. Tourism projects (£50,000);
- d) Provide a contribution of **£20,000** towards on-site Docklands Light Railway (DLR) daisy boards;
 - e) A financial contribution of **£100,000** towards cycle route improvements within the surrounding area;
 - f) A financial contribution of **£50,000** towards access improvements to the Thames Path;
 - g) A financial contribution of **£50,000** towards access improvements to the Canary Wharf pier, including improved signage;
 - h) Provide **£144,000** towards TfL Buses improvements; and
 - i) Provide **£356,835** towards Employment and Training.

(Total s106 contribution of **£1,115,284**)

Non-Financial Contributions

- j) TV Reception - mitigation of any impacts on TV Reception;
- k) Publicly Accessible Open Space and Walkways - Maintenance of new publicly accessible open space within the development together with unrestricted public access;
- l) Code of Construction Practice - To mitigate against environmental impacts of construction;
- m) Access to employment - To promote employment of local people during and post construction; and
- n) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.2 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions [and informatives] to secure the following matters:

Conditions

- 1) Time Limit (3 years);
- 2) Particular details of the development:
 - All external materials, including 1:10 scale details for cladding with sample mock-up of the top and ground floor level of the building, glazing, stone cladding, PV's and coloured glass louvered panels;
 - All hard and soft landscaping, including details of brown/green roofs, the installation of bird boxes and bat boxes, and terrestrial habitat creation/enhancements at ground level (including the use of native nectar rich shrubs and trees), planting, finishes, levels, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins;
 - External lighting and security measures, including CCTV; and
 - Details of cycle parking location and design.
- 3) Landscape Management Plan;
- 4) Hours of construction
- 5) Hours of operation of A1 - A4 units;
- 6) Details of location and design of extraction fume vents from the A3 uses;
- 7) Noise control limits;
- 8) Vibration limits;
- 9) Environmental Construction Management Plan, including but not limited to, feasibility

study and details for use of the river to transport construction material to and waste material from the site during construction, a monitoring protocol for bats and black redstarts, impact on dock wall and mitigation, surface water run-off, construction traffic, air quality, noise etc;

- 10) Land contamination assessment (including water pollution potential);
- 11) Green Travel Plan;
- 12) Serviced Apartments Management Plan, ensuring the apartments are managed as short term accommodation for a period no longer than 90 days;
- 13) Service Management Plan;
- 14) A minimum of 10% of the hotel rooms and serviced apartments shall be designed to be wheelchair accessible.
- 15) Risk Assessment, Method Statement and details of mitigation measures, including structural reports and foundation details, to ensure that the Grade 1 listed dock wall (including the structure concealed in the ground behind the face of wall) is unaffected (in consultation with English Heritage);
- 16) Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water (in consultation with British Waterways);
- 17) Details of storage facilities for oils, fuels and chemicals required to prevent pollution of the water environment;
- 18) No solid matter shall be stored within 10 metres of the banks of the docks;
- 19) Programme of archaeological work required (in consultation with English Heritage);
- 20) Full particulars of the following:
 - Surface/ foul water drainage plans/ works; and
 - Surface water control measures.
- 21) Full particulars of the energy efficiency measures and technologies are required to ensure that the final carbon reductions identified in the Energy Strategy Addendum (July 2008) is achieved (in consultation with the GLA);
- 22) Full particulars of the sustainable design and construction strategy to be submitted;
- 23) Full particulars of the dock side foot path to ensure the levels connect with the adjoining footpath to the north.
- 24) Details of the highway works surrounding the site; and
- 25) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

- 1) Section 106 agreement required;
- 2) Section 278 agreement required;
- 3) Contact Thames Water;
- 4) Contact London City Airport regarding cranes and aircraft obstacle lighting;
- 5) Contact LBTH Building Control;
- 6) Contact British Waterways;
- 7) English Heritage advice;
- 8) Environmental Health advice;
- 9) London Underground advice;
- 10) Environment Agency Advice;
- 11) Compliance with Code of Construction Practice;
- 12) Contact London Fire & Emergency Planning Authority; and
- 13) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

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

4.0 BACKGROUND TO THIS REPORT

Previous Meeting

- 4.1 This application was presented before the members of the Strategic Development Committee on the 28th August 2008. The original report, recommending approval of this proposal subject to conditions, is attached as **Appendix 1**. Attached as **Appendix 2** is a copy of the Strategic Development Committee 'decisions on planning applications' of the 28th August 2008 meeting. Further, attached as **Appendix 3**, is a copy of the Strategic Development Committee minutes of the 28th August 2008 meeting.
- 4.2 At its meeting, the Strategic Development Committee was concerned that the recommended financial contributions were insufficient in both extent and amount, having regard to the size and location of the proposed development. In particular, members argued that, in the light of the proposed inclusion of 78 serviced apartments within the scheme, the developer should be required to make financial contributions towards local health and education provision. The Committee resolved to defer its determination of the planning application for the purpose of taking Counsel's opinion and, if appropriate, to seek to negotiate additional financial contributions.
- 4.3 In response to the concerns raised by the committee members, the Planning Department has sought to provide a response to the following questions to assist the members in making a decision on the deferred matters:
1. Is the current level of financial contribution proposed to be secured by way of planning obligation for the Newfoundland Scheme appropriate and lawful?
 2. Do the serviced apartments create impacts which may not have been identified and which may justify additional financial contributions, such as towards health and education provision?
 3. Is there any justification for seeking additional financial contributions in respect of the Newfoundland Scheme and, if so, on what basis?
- 4.4 In addition to the deferred matters, the applicant has submitted minor amendments to the planning application, which has been addressed in detail under section 6 of this report.

5.0 PLANNING ADVICE

Question 1

- 5.1 It is helpful to begin by summarising the legal and policy framework which sets the context for considering this question. The starting point is plainly section 106(1) of the Town and Country Planning Act (TCPA) which states (insofar as relevant for present purposes) that:

Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106B as "a planning obligation")...-

....

(d) requiring a sum or sums to be paid to the authority on a specified date or dates or periodically.

- 5.2 The government's current policy on the proper use of planning obligations for the purpose of development control is found in Circular 05/05 'Planning Obligations'. The policy is summarily expressed in paragraph B3 of Annex B of the circular:

Planning obligations (or "s106 agreements") are private agreements negotiated, usually in the context of planning applications, between local planning authorities and persons with an interest in a piece of land (or "developers"), and intended to make acceptable

development which would otherwise be unacceptable in planning terms... For example, planning obligations might be used to prescribe the nature of a development (e.g. by requiring that a given proportion of housing is affordable); or to secure a contribution from a developer to compensate for loss or damage created by a development (e.g. loss of open space); or to mitigate a development's impact (e.g. through increased public transport provision). The outcome of all three of these uses of planning obligations should be that the proposed development concerned is made to accord with published local, regional or national policies.

5.3 Paragraph B4 states:

....There are no hard and fast rules about the size or type of development that should attract obligations.

5.4 Paragraph B5 then states 5 key tests which, as a matter of policy, must be met by any local planning authority in seeking planning obligations:

A planning obligation must be:

- I. relevant to planning;*
- II. necessary to make the proposed development acceptable in planning terms;*
- III. directly related to the proposed development;*
- IV. fairly and reasonably related in scale and kind to the proposed development; and*
- V. reasonable in all other respects.*

5.5 Paragraph B6 states that:

The use of planning obligations must be governed by the fundamental principle that planning permission may not be bought or sold.

5.6 Policy DEV4 of the Council's Unitary Development Plan 1998 states:

The Local Planning Authority will seek to enter into planning obligations as appropriate with developers and landowners which are reasonably related to the scale and nature of proposed development and are necessary for a development to proceed.

5.7 This policy (along with Policy 6A.5 of the London Plan) neatly encapsulates the fundamental requirements of government policy in Circular 05/05 that a planning obligation must:

1. be shown to be necessary in order to overcome some otherwise objectionable aspect of the proposed development which is the subject of the planning application; and
2. contribute no more than is reasonably necessary for that purpose.

5.8 Both the reasoned justification for Policy DEV4 in the UDP and policy IMP1 in the Council's Interim Planning Guidance provide more detailed guidance for developers and others both on the range of subject matter for which planning obligations may be sought, as appropriate in relation to any given development, and the Council's arrangements for securing and implementing planning obligations. These matters, however, do not affect the fundamental policy on the proper approach to the use of and justification for planning obligations in the control of development, which at both national, regional and local level is essentially as stated in the passages from Circular 05/05 to which was referred to above.

5.9 Turning to the Newfoundland scheme, it is considered by senior officers that:

"The case officer has followed the proper approach to the question whether and, if so,

to what extent financial contributions by way of planning obligations are required in connection with the proposed development. He has been guided by the policy set out in Circular 05/05, UDP Policy DEV4 and interim policy IMP1 and this is a view shared by Counsel.

Question 2

- 5.10 It was noted in the 28th August 2008 committee report that the grant of planning permission for the Newfoundland Scheme would be subject to a condition limiting any single occupation of a serviced apartment to a maximum of 90 days. Serviced apartments are well-established for planning purposes as a form of short-term visitor accommodation which is quite distinct in its character and impact from ordinary residential stock. It is understood that the demand for the 78 units of serviced apartments in the present scheme is likely to come from business tourists and actual or potential new recruits to businesses based in Canary Wharf, whilst they seek permanent housing.
- 5.11 A planning obligation must be justified as being both necessary and reasonably related in both scale and kind to the actual scheme of development which is proposed under the planning application in question. That being the required approach, officers are unable to see any defensible basis upon which the Council is able to justify requiring the developer of the Newfoundland Scheme to make a financial contribution either towards education or health provision in the local area.
- 5.12 With respect to education, an argument that occupation of these serviced apartments as envisaged and within the limits set by the proposed conditions is likely to make any significant demand on education services within the Borough is considered unreasonable. The Council would need to be able to produce convincing evidence to demonstrate that such demand would be likely to result from the presence and use of these apartments. However, the Council's Education Department made no request for such contribution. In the absence of such request, a refusal to grant planning permission unless such a financial contribution was forthcoming would be very difficult to sustain.
- 5.13 There is perhaps a slightly greater prospect that occupiers of the serviced apartments may call on local health services but again, in accordance with above mentioned policy, the Council would need to be able to produce convincing evidence to demonstrate that such demand would be likely to result from the presence and use of these apartments. It must be noted that, in consideration of recently approved Hotel and Serviced Apartment developments within the Borough, no contribution towards health facilities was requested.
- 5.14 There appears to be no sustainable basis for arguing that any demands future occupiers of these serviced apartments may make on the NHS would be likely to be of such a degree as to justify the need for the developer to contribute by way of planning obligation towards the cost of health service provision in the area.
- 5.15 More generally, the Committee appeared to be concerned at the apparent imbalance between the size of the recommended financial contribution for the Newfoundland Scheme and the far larger sum required in relation to the office scheme at 1 Park Place to the north of the site, which was also considered at the 28th August 2008 Committee. In relation to this proposed development, the recommended financial contributions to be secured by way of planning obligations amounted in total to some £11.75M. The Committee resolved to grant planning permission on that basis.
- 5.16 However, on a comparative analysis of the 2 schemes (in accordance with the proper approach to the use of planning obligations in the development control process), there is no such imbalance. The difference in the level of financial contribution required of each scheme results from and reflects the differing nature of the development proposed under each scheme.

- 5.17 1 Park Place is an office development. About £10.7M of the £11.7M required contribution relates to two elements, the provision of off-site affordable housing and specified public transport infrastructure, which are justified under relevant London Plan policies and to accommodate the impact of that scheme, but which simply do not arise in relation to the Newfoundland Scheme.
- 5.18 The Committee may also be concerned that the relatively modest sum required in respect of the Newfoundland Scheme risks setting an unfortunate precedent which developers in the area may seek to rely upon to justify reduced levels of contribution in relation to future schemes. However, it must be noted where the development is located within the Canary Wharf Estate, the scheme represents a unique use class in an area where the predominant form of commercial development is office and retail development. Negotiations about the required financial contributions in relation to such schemes are unlikely to be informed by those which are merited in respect of a hotel and serviced apartment block.
- 5.19 More generally, central to the proper approach to the use of planning obligations is the need to focus on the impact and characteristics of the proposed development. It follows that, an argument that the financial contribution required for a particular development should be based upon a rate or tariff derived from earlier schemes will only carry weight where it can be demonstrated that those schemes are comparable. For that reason, in this case one would tend to look to the financial contributions which have been required by way of planning obligation on the grant of planning permission for hotel or serviced apartment schemes, rather than for office use (and vice versa).

Question 3

- 5.20 In considering if there was any justification for seeking additional financial contributions in respect of the Newfoundland Scheme, officer advise is that the Council would be justified in seeking additional sums in respect of cycle route improvements, access improvements to Canary Wharf Pier and towards social and community facilities. Subject to that, in the light of the principles of law and policy it is officers opinion that the financial contributions which the case officer has advised should be required in connection with the Newfoundland Scheme are both lawful and appropriate. In officers view, they are both justified and defensible as being necessary in order to enable the proposed development to proceed; and fairly and reasonably related in scale and kind to that development.
- 5.21 The case for seeking an increase for cycle route improvements and access improvements to the Canary Wharf Pier to the west of the site (in line with Council's request previously rejected by the developer), is appropriate where it is considered that the developer has underestimated the degree to which clients of the hotel and serviced apartments are likely to use these facilities and the associated impacts. Both the improvement of the local cycle network and of the Pier are likely to be of direct benefit to the development and its clientele and well related in scale and kind to the proposed scheme.
- 5.22 Officers consider Council would be able to justify seeking a further contribution of £50,000 in respect of each of these matters. Additionally, regarding the contribution towards social and community facilities, given the scale of the Newfoundland Scheme, an increase in the sum proposed under this head seems to be justifiable. As such, an appropriate contribution is considered to be £100,000.
- 5.23 Otherwise, there appears to be no justification for seeking additional funding to that proposed by the planning officer in his report to the Committee
- 5.24 In response, the developer has agreed to contribute an additional £200,000 towards the following heads in line with Counsel advice:

- An additional financial contribution of **£50,000** towards cycle route improvements within the surrounding area;
- A financial contribution of **£50,000** towards access improvements to the Canary Wharf Pier, including improved signage; and
- An additional financial contribution of **£100,000** towards the Isle of Dogs Community Foundation.

5.25 The total financial contribution will therefore increase from £915,284 to £1,115,284.

6.0 AMENDMENTS

6.1 The applicant has submitted seven additional plans to supersede the associated drawings considered by the Strategic Development Committee on the 28th August 2008.

6.2 The substitution is required to facilitate the development of a pedestrian bridge to link the Newfoundland building with Riverside South, which is currently under pre-application discussions with the Council. The pedestrian bridge will be the subject of a separate planning application, which is to be submitted next month.

6.3 The substitute drawings do not materially alter the scheme described in the planning application or materially alter the floor areas previously proposed, but provide a potential landing point for the bridge at the Newfoundland building. They don't prejudice the bridge proposal, as the amendments have been designed to work with or without a bridge. This substitution also addresses internal amendments that are necessary so that should the bridge be built pedestrians from the Riverside site can easily and efficiently access the subterranean pedestrian link to the Jubilee Place Retail Mall and the Jubilee Line Station, as proposed within the Newfoundland application. The only external change proposed is to the west elevation where masonry in the south west corner of the building is to be replaced by glazing.

6.4 The substitute drawings to form part of the application are as follows:

<i>Drawing Title</i>	<i>Drawing reference</i>	<i>Drawing Revision</i>	<i>Drawing Amendment</i>
Level -02 Plan (Basement)	368-10-098	Rev PL2	Relocation of escalators, lifts to ground floor and fire escape core. Reconfiguration of plant area reconfigured. Retail accommodation revised, but with no change in retail area;
Level 00 Plan (Ground)	368-10-100	Rev PL3	Relocation of escalators, lifts from basement and to first floor and fire escape core. Introduction of additional Class D1 entrance from dockside walkway and Class D1 core relocated. Café area relocated to southern side of building (with no change in retail area). Glazing to café unit increased to improve street animation. Reconfiguration of hotel lobby area. Revised entrance locations to suit new layout;
Level 01 Plan	368-10-101	Rev PL2	Escalator and lifts from ground floor relocated to suit potential bridge link. Class D1 core relocated to suit new layout;
Level 02 Plan	368-10-102	Rev PL2	Class D1 core relocated to suit new layout, but no change in Class D1 area;
Level 03 Plan	368-10-103	Rev PL2	Class D1 core and toilet block relocated to suit new layout, but no change in Class D1 area;
Section AA	368-10-200	Rev PL2	Escalators repositioned to suit new layout;
West Elevation	368-10-303	Rev PL2	Masonry to south-west corner replaced with glazing to café unit at ground floor to improve street animation.
East Elevation	368-10-302	Rev PL2	Relocation of doors. External elevation maintains

			glazing.
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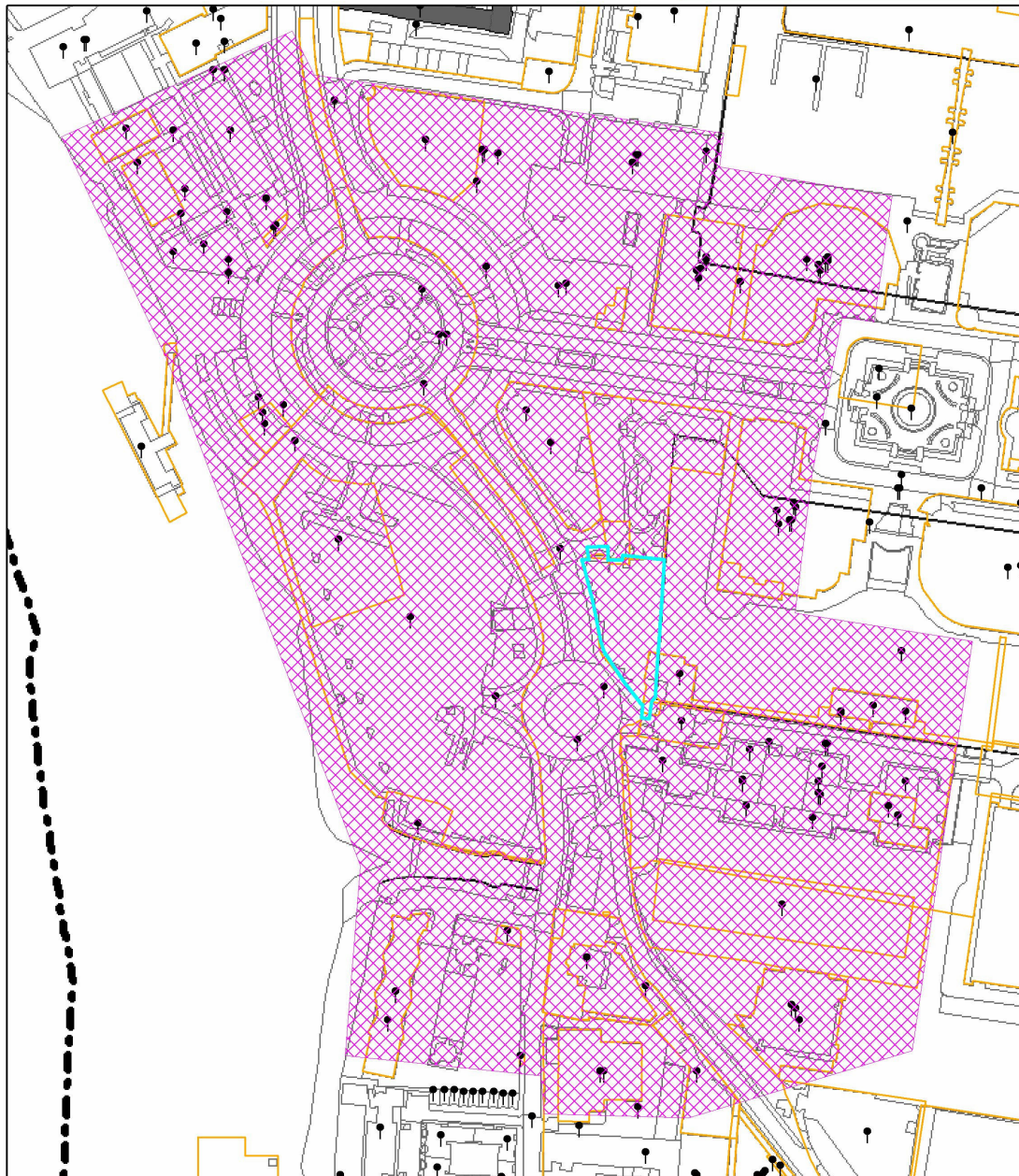
6.5 The following drawings, which were previously presented to the members have therefore been superseded and no longer should be considered as part of this application: 368-10-098revPL1; 368-10-100revPL2; 368-10-101revPL1; 368-10-102revPL1, 368-10-103revPL1, 368-10-200revPL1; 368-10-302revPL1; 368-10-303revPL1

6.6 The substitute drawings reflect these proposed minor amendments, but in all other respects the design is the same as outlined in the plans as previously presented to the members.

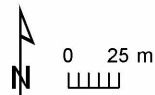
7.0 CONCLUSIONS

7.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568

Newfoundland, Canary Wharf, London

Committee: Strategic Development	Date: 28 August 2008	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Tim Porter		Ref No: PA/08/598	
		Ward(s): Millwall	

1. APPLICATION DETAILS

Location: Newfoundland, Canary Wharf, (Land bounded by Park Place, Westferry Road & Heron Quays Road)

Existing Use: Erection of a 37 storey tower and a part 4/5 storey podium comprising a 150 bedroom Hotel (Class C1) and 78 serviced apartments (Sui Generis), together with ancillary restaurant facilities and servicing and parking areas including a drop off facility; provision of 1,300sqm of retail units (Class A1 to A4) at ground and basement level, a 1,580sqm restaurant (Class A3) at first floor level and 2,310sqm of education and training use (Class D1) at second and part third floor level; construction of basement for retail units (Class A1 to A4) and plant; construction of subterranean pedestrian link to the Jubilee Place retail mall and the Jubilee Line Station; provision of a new publicly accessible open space, dockside walkway and landscaping together with other works incidental to the application.

Drawing Nos: 368-10-001 Rev PL1, 368-10-002 Rev PL1, 368-10-098 Rev PL1, 368-10-100 Rev PL2, 368-10-101 Rev PL1, 368-10-102 Rev PL1, 368-10-103 Rev PL1, 368-10-104 Rev PL1, 368-10-105 Rev PL1, 368-10-106 Rev PL1, 368-10-107 Rev PL1, 368-10-121 Rev PL1, 368-10-122 Rev PL1, 368-10-123 Rev PL1, 368-10-135 Rev PL1, 368-10-137 Rev PL1, 368-10-200 Rev PL1, 368-10-203 Rev PL1, 368-10-300 Rev PL1, 368-10-301 Rev PL1, 368-10-302 Rev PL1, 368-10-303 Rev PL1

- Design and Access Statement (March 2008)
- Planning Statement (March 2008)
- Energy Strategy (April 2008) and Energy Strategy Addendum (July 2008)
- Transport Assessment (March 2008)
- Waste Management Strategy (March 2008)
- Sustainability Statement (March 2008)
- Wind Effects Study (March 2008)
- Visual Impacts Study (March 2008)
- Daylight and Sunlight Report (March 2008)
- Archaeological Desk-based Assessment (March 2008)
- Interim Travel Plan (March 2008)
- Habitat Survey Report (March 2008)
- Flood Risk Assessment (March 2008)
- Hotel and Serviced Apartment Statement (March 2008)
- Statement of Community Involvement (March 2008)
- Environmental Statement (April 2008)
- Environmental Statement Addendum - Volume 6 (May 2008)
- Regulation 19 Response – Volume 7 (June 2008)

Applicant: • Regulation 19 Response – Volume 8 (July 2008)
 South Quay Properties Ltd
Owner: Various
Historic Building: Grade I listed dock wall borders the eastern boundary of the site
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:
- 2.2 • The principle of redevelopment of this currently under-utilised Opportunity Area site for a hotel-led scheme will contribute to the strategic target for new hotel accommodation. It will complement Canary Wharf's role as a leading centre of business activity by serving business tourism, and in this respect will support London's world city status. The serviced apartments will provide short-term accommodation for the international business sector. The scheme therefore accords with policies 3D.7 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), ART1 and CAZ1 of the Council's Unitary Development Plan 1998, policies CP13 and EE4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and policy IOD15 of the Interim Planning Guidance Isle of Dogs Area Action Plan, which seek to develop and support Canary Wharf's role as a leading centre of business activity within London.
- 2.3 • The retail (Class A1), financial and professional services (Class A2), restaurant and café (Class A3) and drinking establishment (Class A4) are acceptable as they will provide for the needs of the development and demand from surrounding uses, and also present employment in a suitable location. As such, it is in line with policies 3D.1, 3D.3 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), saved policies DEV1 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1 and RT4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control and policies IOD4 and IOD15 of the Isle of Dogs Area Action Plan (2007) which seek to ensure services are provided that meet the needs of the local community and to promote entertainment, food and drink premises and retail in the Isle of Dogs, specifically within the Northern sub-area and along the docksides.
- 2.4 • The training and education centre (Class D1) is considered to accord with policy 3B.11 of the London Plan (Consolidated with Alterations since 2004), saved policy EMP6 of the UDP (1998) and policies CP7 and CP29 and of the Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve employment opportunities available for local people by enhancing the training and skills infrastructure.
- 2.5 • The new public realm will enhance pedestrian access and animate the dock edge in accordance with policies 4B.11, 4C.13 and 4C.23 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV48 of the Council's Unitary Development Plan 1998 and policies CP30, DEV2, DEV 3, DEV4 and OSN3 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to protect and promote the vitality, attractiveness and historic interest of the docks, and to ensure that the design of waterside developments integrate successfully with the water space.

- 2.6 • The building height, scale, bulk and design is acceptable. The development is therefore considered to be in line Planning Policy Guidance 15, policies 4B.1, 2, 3, 5, 8, 9, and 10 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV4, DEV 27, CON 1 and CON5 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure tall buildings are of a high quality design and suitably located whilst also seeking to protect and enhance regional and locally important views.
- 2.7 • The proposed development will not have a detrimental impact upon the Grade I listed dock wall and would enhance the historic character and importance, subject to conditions regarding construction methods. As such, the scheme is in line with and policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004) and policy CON1 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to protect listed buildings and structures within the Borough and London respectively.
- 2.8 • Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote sustainable development practices.
- 2.9 • Transport matters, including parking, access and servicing, are acceptable and in line with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies T16, T18 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure there are no detrimental highways impacts created by the development and to promote sustainable transport options.
- 2.10 • Contributions have been secured towards the provision of social and community infrastructure; tourism facilities, public transport improvements; open space and public realm; Thames path and cycle route improvements, and access to employment for local people in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

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

B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following planning obligations:

Financial Contributions

- a) A financial contribution of **£144,449** towards open space improvements. This will fund improvements to the visitor/tourist facilities at Island Gardens for:
 - i. A high quality design cafe/visitor centre/ranger base; and
 - ii. Associated managed public toilets;
- b) Provide a contribution of **£50,000** for public realm improvements within the surrounding area;
- c) Provide a contribution of **£100,000** towards social and community facilities. In line with similar developments elsewhere within the Canary Wharf estate, the

projects/improvements are defined under specific headings within the S106 agreement, these being:

- i. Isle of Dogs Community Foundation (£50,000); and
- ii. Tourism projects (£50,000);
- d) Provide a contribution of **£20,000** towards on-site Docklands Light Railway (DLR) daisy boards;
- e) A financial contribution of **£50,000** towards cycle route improvements within the surrounding area;
- f) A financial contribution of **£50,000** towards access improvements to the Thames Path;
- g) Provide **£144,000** towards TfL Buses improvements; and
- h) Provide **£356,835** towards Employment and Training.

(Total s106 contribution of **£915,284**)

Non-Financial Contributions

- i) TV Reception - mitigation of any impacts on TV Reception;
- j) Publicly Accessible Open Space and Walkways - Maintenance of new publicly accessible open space within the development together with unrestricted public access;
- k) Code of Construction Practice - To mitigate against environmental impacts of construction;
- l) Access to employment - To promote employment of local people during and post construction; and
- m) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.2 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions [and informatives] to secure the following matters:

Conditions

- 1) Time Limit (3 years);
- 2) Particular details of the development:
 - All external materials, including 1:10 scale details for cladding with sample mock-up of the top and ground floor level of the building, glazing, stone cladding, PV's and coloured glass louvered panels;
 - All hard and soft landscaping, including details of brown/green roofs, the installation of bird boxes and bat boxes, and terrestrial habitat creation/enhancements at ground level (including the use of native nectar rich shrubs and trees), planting, finishes, levels, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins;
 - External lighting and security measures, including CCTV; and
 - Details of cycle parking location and design.
- 3) Landscape Management Plan;
- 4) Hours of construction
- 5) Hours of operation of A1 - A4 units;
- 6) Details of location and design of extraction fume vents from the A3 uses;
- 7) Noise control limits;
- 8) Vibration limits;
- 9) Environmental Construction Management Plan, including but not limited to, feasibility study and details for use of the river to transport construction material to and waste

material from the site during construction, a monitoring protocol for bats and black redstarts, impact on dock wall and mitigation, surface water run-off, construction traffic, air quality, noise etc;

- 10) Land contamination assessment (including water pollution potential);
- 11) Green Travel Plan;
- 12) Serviced Apartments Management Plan, ensuring the apartments are managed as short term accommodation for a period no longer than 90 days;
- 13) Service Management Plan;
- 14) A minimum of 10% of the hotel rooms and serviced apartments shall be designed to be wheelchair accessible.
- 15) Risk Assessment, Method Statement and details of mitigation measures, including structural reports and foundation details, to ensure that the Grade 1 listed dock wall (including the structure concealed in the ground behind the face of wall) is unaffected (in consultation with English Heritage);
- 16) Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water (in consultation with British Waterways);
- 17) Details of storage facilities for oils, fuels and chemicals required to prevent pollution of the water environment;
- 18) No solid matter shall be stored within 10 metres of the banks of the docks;
- 19) Programme of archaeological work required (in consultation with English Heritage);
- 20) Full particulars of the following:
 - Surface/ foul water drainage plans/ works; and
 - Surface water control measures.
- 21) Full particulars of the energy efficiency measures and technologies are required to ensure that the final carbon reductions identified in the Energy Strategy Addendum (July 2008) is achieved (in consultation with the GLA);
- 22) Full particulars of the sustainable design and construction strategy to be submitted;
- 23) Full particulars of the dock side foot path to ensure the levels connect with the adjoining footpath to the north.
- 24) Details of the highway works surrounding the site; and
- 25) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

- 1) Section 106 agreement required;
- 2) Section 278 agreement required;
- 3) Contact Thames Water;
- 4) Contact London City Airport regarding cranes and aircraft obstacle lighting;
- 5) Contact LBTH Building Control;
- 6) Contact British Waterways;
- 7) English Heritage advice;
- 8) Environmental Health advice;
- 9) London Underground advice;
- 10) Environment Agency Advice;
- 11) Compliance with Code of Construction Practice;
- 12) Contact London Fire & Emergency Planning Authority; and
- 13) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The planning application proposes the erection of a 37 storey tower and a part 4/5 storey podium comprising the following:
- 150 bedroom Hotel (Class C1) and 78 serviced apartments (Sui Generis), together with ancillary restaurant facilities and servicing and parking areas including a drop off facility;
 - Provision of 1,300sqm of retail units (Class A1 to A4) at ground and basement level;
 - A 1,580sqm restaurant (Class A3) at first floor level; and
 - 2,310sqm of education and training use (Class D1) at second and part third floor level;
 - Construction of basement for retail units (Class A1 to A4), servicing areas and plant;
 - Construction of subterranean pedestrian link to the Jubilee Place retail mall and the Jubilee Line Station; and
 - Provision of a new publicly accessible open space, dockside walkway and landscaping together with other works incidental to the application.
- 4.2 The building will rise to an overall height of 145.6 meters AOD, with a screen extending to 149.9 meters AOD. The podium would be 26.9 meters AOD at the roof of Level 4, extending to 31.3 meters AOD at roof of Level 5. The building comprises a total of 33,151 sqm (GEA) floorspace.
- 4.3 The hotel has been designed for a high quality 'boutique' style operator.
- 4.4 The serviced apartments are self contained (including kitchens and living areas) and provide a form of short term (for a maximum period of 90 days) accommodation, normally servicing business tourism.
- 4.5 The proposal will provide for the creation of new areas of public realm around the building. The form of the lower podium has been cut back to create a new public realm space overlooking the dock to the south of the building, which will be landscaped. In addition, to the east of the building a new dock side pedestrian walkway will be created adjacent to Middle Dock. These spaces will be configured to integrate into the existing network of spaces and public realm in the vicinity.
- 4.6 The development will provide 45 bicycle parking spaces. A taxi drop off zone will be located at ground level and accessed from Park Place. This area will also provide two disabled car parking spaces.

Site and Surroundings

- 4.7 The site is located in the northern part of the Isle of Dogs, on land to the north-east of Heron Quays roundabout. Marsh Wall/Westferry Road and the Heron Quay round-a-bout form the western boundary, with Middle Dock water body to the east. The docks have mooring facilities where there is a residential barge currently moored adjacent to the development. Park Place borders the site to the north and Heron Quays Road to the south.
- 4.8 The application site is approximately 0.26 hectares in area, and is currently used as a private car park and is covered with black asphalt tarmac. The site is planted with 19 semi-mature trees. The site provides parking for approximately 75 cars. The underground Jubilee Line tunnels run east west under the site.
- 4.9 Being located on the western edge of the Canary Wharf estate, the application site is predominantly surrounded by office buildings, with a number of redevelopment sites within the vicinity providing a mix of uses, primarily residential, commercial and retail. To the west, beyond the Heron Quays roundabout, lies the Riverside South site, currently being redeveloped to provide commercial and retail space within two towers of 241m and 191m in height with a lower rise central link building. To the south lies the Heron Quays West

site, which currently comprises office and educational uses in a development of 3-4 storeys (currently known as the red sheds). In March 2008, the Council resolved to grant a part 12 storey, part 21 storey and part 33 storey building comprising Class B1 office, Class A1, A3, A4 and D1 uses. To the north is 1 Park Place, which currently comprises a brick office building between 4-6 storeys. The site was granted permission in 2002 for a 10 storey building comprising 25,000sqm of office floorspace and dockside pedestrian access.

- 4.10 The site is in an accessible location with a public transport accessibility level (PTAL) of 5, where 1 represents the lowest accessibility level and 6 the highest. Canary Wharf underground station on the Jubilee Line is located approximately 460 metres from the site. Heron Quays Road provides access east to Heron Quays DLR station (345 metres). The nearest bus stops are situated on Marsh Wall, Westferry Road, West India Avenue and Westferry Circus Upper Level roundabout. All are within 190 metres to 250 metres, and are served by four bus routes which provide approximately 27 buses per hour in peak periods. The site is also accessible via the Thames Clipper service from the Canary Wharf pier at Westferry Circus, which operates five westbound and four eastbound services during the AM and PM peak periods. The nearest Transport for London Road Network is the A1203 Limehouse Link, approximately 500 metres north west of the site.
- 4.11 In terms of built heritage, the site does not fall within a conservation area, with the closest being the Narrow Street and West India Dock Conservation Areas some 350m to northwest and north respectively, and the Coldharbour Conservation Area approximately 1km to the east. The Dock Wall forming the eastern boundary of the site comprises the dock wall of the former West India Export Dock and is Grade I listed. The site is not within any strategic viewing corridors, lateral assessment areas or background assessment areas of St Paul's Cathedral as identified within the London View Management Framework (GLA, 2007).

Planning History

- 4.12 There does not appear to be any recent planning applications or decisions for the application site.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

5.2 Unitary Development Plan 1998 (as saved September 2007)

Proposals:

- Flood Protection Area
- Central Area Zone
- Water Protection Area (borders)
- Site of Nature Conservation Importance (borders)

Policies:

- DEV1 Design Requirements
- DEV2 Environmental Requirements
- DEV3 Mixed Use development
- DEV4 Planning Obligations
- DEV12 Provision of Landscaping in Development
- DEV48 Water Frontage
- DEV50 Noise
- DEV51 Contaminated Land
- DEV55 Development and Waste Disposal
- DEV69 Water Resources
- EMP1 Encouraging New Employment Uses
- EMP6 Employing Local People

CAZ1	Location of Central London Core Activities
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T21	Existing Pedestrians Routes
S7	Restaurants
ART7	Hotel Developments
U2	Consultation Within Areas at Risk of Flooding
U3	Flood Defences

5.3 Interim Planning Guidance for the purposes of Development Control

Proposals:		Major Centre Flood Risk Area Blue Ribbon Network (borders) Site of Importance for Nature Conservation (borders)
Core Strategies:	IMP1	Planning Obligations
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP13	Hotels and Serviced Apartments
	CP15	Provision of a Range of Shops
	CP27	Community Facilities
	CP29	Improving Education and Skills
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP33	Site of Nature Conservation Importance
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment
	CP50	Important Views
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV21	Flood Risk Management
	DEV22	Contaminated Land

DEV27	Tall Buildings
SCF1	Social and Community Facilities
OSN3	Blue Ribbon Network
CON1	Listed Buildings
CON5	Protection and Management of Important Views
IOD2	Transport and movement
IOD4	Education Provision
IOD6	Water Space
IOD7	Flooding
IOD10	Infrastructure and services
IOD13	Employment Uses in the Northern sub-area
IOD15	Retail and Leisure Uses
IOD16	Design and Built Form in the Northern sub-area

5.4 **Spatial Development Strategy for Greater London Consolidated with Alterations Since 2004 (London Plan February 2008)**

2A.1	Sustainability Criteria
3A.18	Protection and enhancement of social infrastructure and community facilities
3B.1	Developing London's economy
3B.9	Tourism Industry
3B.11	Improving Employment Opportunities
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.3	Sustainable Transport
3C.23	Parking strategy
3D.1	Supporting town centres
3D.3	Improving retail facilities
3D.7	Visitor Accommodation and Facilities
3D.14	Biodiversity and nature conservation
4A.2	Mitigating climate change
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.9	Adaptation to climate change
4A.12	Flooding
4A.13	Flood risk management
4A.14	Sustainable drainage
4A.16	Water supply and resources
4A.17	Water quality
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.8	Respect local context and communities
4B.9	Tall buildings - location
4B.10	Large-scale buildings – design & impact
4B.11	London's built heritage
4B.12	Heritage conservation
4B.15	Archaeology
4B.16	London view management framework
4B.17	View management plans
4C.11	Access alongside the Blue Ribbon Network
4C.13	Mooring Facilities on the Blue Ribbon Network
4C.23	Docks

5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London
6A.4	Planning Obligation Priorities

5.5 **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS9	Biodiversity & Conservation
PPG13	Transport
PPG15	Planning & The Historic Environment
PPS22	Renewable Energy
PPS25	Development and Flood Risk

5.6 **Community Plan** The following Community Plan objectives relate to the application:

- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

6. **CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

LBTH Cleansing

6.3 The waste management strategy provided is acceptable.

LBTH Ecology

6.4 Requests continued monitoring for black redstarts and bats during construction (should planning consent be agreed) be undertaken and recorded, where black redstarts and bats are known to nest in this area and adjacent surroundings.

6.5 (OFFICER COMMENT: The applicant's ecology survey identified that there was no evidence of nesting bats and Black Redstarts on site. However the applicant has recommended within the ES for a monitoring protocol to be set up throughout the period February to September during construction. This should be conditioned with the scope of the Environmental Construction Management Plan).

6.6 The inclusion of living roofs will provide a beneficial habitat and encourage further migration of other species. When designing the landscaping proposals, the use of nectar rich shrubs and trees for planting will provide a valuable food source for birds and insects. The installation of bird boxes and bat boxes will be a significant improvement than is the case at present.

6.7 (OFFICER COMMENT: The applicant has identified such measures within the ES and will be conditioned accordingly).

6.8 Given the above factors and based on the Environmental Statement, providing the above is adopted, the biodiversity of this area should be enhancement.

LBTH Education

6.9 No comments to be made on this application.

LBTH Employment

- 6.10 A contribution is required towards access to employment initiatives. As this is prime development land in a borough with the lowest Employment rate in the country, the Access to Employment Manager sees no reason why the Council should not use the full Gross External Area in calculating the contribution, valued at £1 per square foot. Accordingly, a contribution of **£356,835** is considered reasonable.

LBTH Energy Efficiency Unit

- 6.11 The outline energy and sustainability strategy is in compliance with policy requirements; however, further details are required. The energy officer however is satisfied that the strategies can be condition accordingly to provide the details before commencement of any building works.

LBTH Environmental Health

Contaminated Land

- 6.12 No objection subject to appropriate conditioning.

Noise

- 6.13 No objection subject to appropriate conditioning.

- 6.14 (Officer Comment: This matter has been addressed in detail under the amenity section of this report).

Sunlight/Daylight

- 6.15 No comment.

- 6.16 (Officer Comment: This matter has been addressed in detail under the amenity section of this report).

Air quality

- 6.17 No comment.

- 6.18 (Officer Comment: This matter has been addressed in detail under the amenity section of this report).

LBTH Highways

- 6.19 The proposed development would neither cause significant impact to the highway network nor to public transport facilities.

- 6.20 It appears from the elevation plan (i.e North Elevation) that the headroom of the service road is inadequate.

- 6.21 (OFFICER COMMENT: The height is approximately 5 metres, which the Cleansing and Highways Departments have both since identified as acceptable).

- 6.22 Recommendation should be made to the developer to provide motorcycle parking spaces on site

- 6.23 (OFFICER COMMENT: According to the IPG, motorcycle parking is not a requirement but an alternative to car parking. In this case, where the scheme is not providing motorcycle

parking, the scheme complies with policy).

- 6.24 The proposed service bay will require vehicles to either reverse in or out to load/unload. Due to the lack of visibility caused by the ground floor layout, this has potential safety implications on pedestrian walking on the streets.
- 6.25 (OFFICER COMMENT: The Highways Department has advised that, whilst a redesign would be the best outcome, given the constraints of the site a Service Management Plan would appropriately address this matter. The scheme has therefore been conditioned appropriately. Further, the applicant has provided schematics that show that a service vehicle can enter and exit the site in a forward gear).
- 6.26 The developer should provide coach parking bay within the site in line with LBTH LDF.
- 6.27 (OFFICER COMMENT: The Highways Department have since confirmed that the service bay could adequately cater for coach parking if required).
- 6.28 The developer should provide cycle parking facilities in line with LBTH policy for hotel uses (Staff: 1/10; Residents 1/15). An additional 5 minimum cycle spaces is required, some of which are to be provided in a secured/covered location for hotel staff.
- 6.29 (OFFICER COMMENT: Given the interim nature of the IPG, where TFL have advised that they support the car free nature of the scheme and the proposed level of cycle parking, the scheme is considered acceptable as outlined later in this report).
- 6.30 The scheme should secure relevant highways works conditions and a s106 contribution towards public realm improvements on Westferry Road corridor, which is from the Southside of the site to West India Dock Road is required.
- 6.31 (OFFICER COMMENT: A section 106 agreement has been secured accordingly).

LBTH Landscape

- 6.32 No objection.

British Broadcasting Corporation (BBC)

- 6.33 No objection. However, it is unclear who is responsible for the implementation of television reception mitigation measures if required following construction of the development.
- 6.34 (OFFICER COMMENT: It is standard process for this matter to be addressed through the s106 agreement).

British Waterways (Statutory Consultee)

- 6.35 British Waterways welcomes the redevelopment of the site and raise no objections. However, they request the imposition of suitably worded conditions to any consent as further animation to the dockside through elevation treatment and positioning of uses, to help add interest from the waterside, is sought.

City of London Corporation

- 6.36 No objection.

Commission for Architecture and the Built Environment (CABE)

- 6.37 No comment.

English Heritage (Statutory Consultee)

- 6.38 The proposed structure would form an important focal point at the western end of the dock. The design appears to have been carefully considered in relation to this key visual role. It is evident from the information submitted as part of the application and from a useful and informative pre application meeting that much thought has gone in to achieving a successful visual relationship with adjacent consented schemes, including Riverside South and Heron Quays West.
- 6.39 It is essential that suitable conditions are placed on any permission requiring structural reports and foundation details to ensure that the structure of the Grade I listed dock wall (including the structure concealed in the ground behind the face of the wall) is unaffected by the proposal and that adequate measures are in place to ensure its protection throughout the duration of the works.
- 6.40 Detailed design in relation to the tower and podium would obviously be absolutely critical. In order to ensure that the level of visual richness indicated in the application drawings is achieved, suitable conditions should be attached to any permission. Any simplification of the details could substantially detract from the success of the scheme.
- 6.41 Design of the key public spaces around the proposed structure is also vitally important, particularly with regard to the relationship of the new hard landscape with the listed dock wall. Again it is important that suitable conditions are attached to any permission.

English Heritage – Archaeology & Built Heritage (Statutory Consultee)

- 6.42 No objections raised, subject to conditions including archaeological mitigation measures and the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

English Partnerships

- 6.43 In order for any s106 agreement related to the scheme to bind English Partnership's interest in part of the application site, they are seeking that arrangements be made to obtain their agreement, which they advise have not been made to date.

Environment Agency (Statutory Consultee)

- 6.44 EA Objected to the proposed development for the following reasons:
- 6.45
- No evidence has been provided that the flood risk Sequential Test has been adequately demonstrated in accordance with PPS25
- 6.46 (OFFICER COMMENT: In response to the submission of further evidence, the EA has since removed their objection regarding this matter)
- 6.47
- A detailed plan is required to show how plant and equipment can be brought from the road to the dock side to enable maintenance and renewal of the flood defences.
- 6.48 (OFFICER COMMENT: In response to the submission of further information, the EA has since removed their objection regarding this matter)
- 6.49 The EA have confirmed that they are satisfied with the information submitted and have no objection to the scheme subject to appropriate planning conditions.

Government Office for London (Statutory Consultee)

6.50 No objection.

Greater London Authority (Statutory Consultee)

6.51 The Deputy Mayor has indicated that the proposed redevelopment of this site to provide a hotel led mixed-use development in Canary Wharf is acceptable in strategic planning policy terms. The design of the proposal is of a high quality and responds well to the surrounding context, which is dominated by existing and planned tall buildings. The impact of the development on strategic views has been subject to qualitative visual assessment and raises no concerns.

6.52 The Deputy Mayor has requested that the applicant further examines the potential to maximise opportunities to integrate this development with West India Dock. The applicant was also requested to provide further detail on the renewable energy contribution and sustainable drainage system. In addition, TFL raised issues in respect of the trip generation assessment that will need to be addressed and section 106 contributions to buses and walking routes are sought.

6.53 (OFFICER COMMENT: These issues have been addressed in the body of the report below. In summary, the applicant has worked extensively with the GLA to address their concerns and it is understood that these issues have been adequately addressed).

Greenwich Society

6.54 Where the proposed development would be dwarfed by the much higher developments of such surrounding proposed new buildings of the Heron Quays and the Riverside South developments, the Greenwich Society raise no objection.

London Borough of Greenwich

6.55 No objection.

London Borough of Southwark

6.56 No comment.

London City Airport (Statutory Consultee)

6.57 No objections, subject to informative regarding aircraft obstacle lighting and cranes during construction.

London Fire and Emergency Planning Authority (Statutory Consultee)

6.58 No objection.

London Underground Ltd (Statutory Consultee)

6.59 No objection subject to appropriate condition.

Metropolitan Police

6.60 No comment.

Natural England (Statutory Consultee)

6.61 Overall they are satisfied that any ecological issues associated with the site are being

handled effectively. With respect to the ecological enhancements put forward as part of the development including brown roofs, bird and bat boxes and terrestrial and aquatic habitat creation/enhancement, these elements should be secured by means of planning conditions and obligations as appropriate.

National Air Traffic Services (Statutory Consultee)

6.62 No safeguarding objection.

Port of London Authority (Statutory Consultee)

6.63 No objections. PLA recommend that details of use of the waterways for the transportation of construction materials to and waste materials from the site be conditioned appropriately.

Thames Water Utilities

6.64 No objection was raised regarding sewerage and water supply infrastructure capacity to service the development. Recommended a number of conditions and informatives to ensure that foul and/ or surface water discharge from the site and water pressure is appropriately addressed.

The Inland Waterways Association

6.65 No objection.

Transport for London (TfL) (Statutory Consultee)

6.66 TfL comments are addressed within the body of the Deputy Mayors Stage 1 response as raised above. As such, TfL comments have been addressed in detail within the Highways section of this report.

7. LOCAL REPRESENTATION

7.1 A total of 361 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: Objecting: 0 Supporting: 0
No of petitions received: 0

8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Design
- Amenity
- Highways
- Other

Land Use

Hotel and Serviced Apartments

8.2 On a strategic level, the Isle of Dogs, in which the application site is located, is identified

within the London Plan as an Opportunity Area within the North-East London sub region. Policy 5C.1 seeks to promote the sub-regions contribution to Londons world city role, especially in relation to the Isle of Dogs.

- 8.3 According to the London Plan, tourism is seen as a key growth industry for London. To accommodate this growth, policy 3D.7 specifies a target of 40,000 net additional hotel bedrooms by 2026. The policy identifies Central Activities Zones (CAZ) and Opportunity Areas as priority locations for new hotel accommodation and seeks to maximise densities. Policy 3D.7 also supports a wide range of tourist accommodation, such as serviced apartments.
- 8.4 According to policy ART7 and CAZ1 of the Unitary Development Plan (UDP), the Council will normally give favourable consideration to major hotel developments within the Central Area Zone (CAZ). In addition to this, policy CP13 of the Interim Planning Guidance October 2007 (IPG) states that large scale hotel developments and serviced apartments will be supported in areas of high public transport accessibility and close proximity to commercial development, such as the Canary Wharf major retail centre, business and conference facilities and public transport.
- 8.5 According to the supporting information to policy EE4 of the IPG, serviced apartments are able to provide short term accommodation for the international business sector which operates in the north and central parts of the Isle of Dogs and CAZ, specifically servicing business tourism. According to supporting information to policy CP13 of the IPG, serviced apartment are serviced and therefore are not a form of permanent housing. Also policy makes it clear that serviced apartments should have similar impacts to hotels, which are more suited to employment areas.
- 8.6 Policy IOD15 of the Isle of Dogs Area Action Plan (IDAAP) states tourism uses, in particular the development of business tourism, will be promoted in and around Canary Wharf and the northern sub-area to take full advantage of opportunities arising out of the 2012 Olympic and Paralympics games.
- 8.7 This part of the Isle of Dogs is not well served by hotels in general and the development will provide immediate access to the heart of the Canary Wharf financial district. The Canary Wharf Group estimates that there is an annual demand for over-night accommodation of the type proposed of the order of at least 50,000 places. At 150 rooms and 78 serviced apartments, the proposed accommodation will meet a significant component of this economic need.
- 8.8 The Newfoundland proposal will create a significant number of jobs that will help to sustain the local economy. It is expected that approximately 300 people will be employed once the development is completed, with a proportion of these jobs accommodated in the retail and class D1 uses. The development will therefore make a contribution towards meeting the employment potential of the Isle of Dogs. As such the proposal accords with the Council's employment policies and the Mayors aspirations for job growth within the isle of Dogs Opportunity Area. The provision of hotel rooms and serviced apartments in this location is supported by the London Plan and local policy objectives for tourism and for continuing London's role as a World City. The uses proposed will all contribute towards the attractiveness of Canary Wharf as a business hub by developing it as a lively and animated place through out the day and evening not only on weekdays but during the weekend.
- 8.9 The Mayors Stage 1 report states:

"The principle of redevelopment of this currently under-utilised Opportunity Area site for a hotel-led scheme accords with strategic planning policy and will contribute to the strategic target for new hotel accommodation. It will complement Canary Wharf's role as a leading centre of business activity by serving business tourism, and in this

respect will support London's world city status. The serviced apartments will provide short-term accommodation for the international business sector. In order to ensure that the intended planning function of the serviced apartments is maintained in perpetuity, the Council should impose a condition or a clause in the section 106 agreement which limits the length of stay by individual occupiers to no more than 90 consecutive days".

- 8.10 In conclusion, the provision of hotel accommodation and serviced apartments (with ancillary facilities') in this location is supported.

Retail and Education and Training uses

- 8.11 London Plan policies 3D.1 and 3D.3 seek to encourage retail and related uses in town centre and to maintain and improve retail facilities. Map 5C.1 identifies the network of strategically designated town centres in the north east London sub-region, in which Canary Wharf is designated as a major centre. The allocation includes the application site.

- 8.12 The site lies outside the core retail area of the Major Centre therefore the retail allocation will respond more to the daily needs of the work force and the amenity of the Middle Dock as an attractive location for restaurants and cafes. The quantum and configuration of the retail space in the basement of the building is an appropriate extension of the subterranean retail malls of the Canary Wharf Estate. Also, the retail space at ground level will help to animate the dock edge.

- 8.13 The Mayors Stage 1 report states:

"In addition to the proposed hotel and education and training floorspace, the scheme includes 2,880sq.m. of new retail and restaurant floorspace. In line with Canary Wharf's designation as a major centre, the expansion of retail provision in this highly accessible location is generally supported in strategic planning terms".

- 8.14 The A1 to A4 uses are acceptable in principle as they will support and improve provision in the range of shopping in the Major Centre, provide for the needs of the development and also present employment opportunities in a suitable location. As such, it is in line with London Plan and Council policies.

- 8.15 The provision of an education and training centre is also considered acceptable particularly where the London Development Authority has advised that they welcome the provision of education and training space within the development, which will enhance the training and skills infrastructure available locally. This is inline with the Council's Community Plan's objective of ensuring a better place for learning, achievement and leisure.

Design

Height, Mass and Scale

- 8.16 Policy 4B.8 of the London Plan states that tall buildings will be promoted where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.9 of the London Plan (February 2008) provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.

- 8.17 Policy DEV6 of the UDP specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference.

- 8.18 Policies CP1, CP48 and DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a wide range of criteria.
- 8.19 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to ‘Principles and specifics of design for a compact city’ and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.20 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings
- 8.21 Policy IOD16 of the Isle of Dogs AAP (IPG, 2007) states, inter alia, that the Northern sub-area will continue to be a location for tall buildings and new tall buildings should help to consolidate this cluster and provide new landmarks consistent with the national and international role and function of the area. It also goes on to state that building heights will respect and complement the dominance of One Canada Square and heights should progressively reduce from this central landmark through to the periphery of the Northern sub-area.
- 8.22 The site located between West India Middle Dock and Westferry road is a key dockside location. It sits on east – west axis of Canary Wharf complex which is defined by the Jubilee Gardens, station exits and Middle Dock. The continuous open space and element of sky space is reflected in each building on its edge. Westferry Road itself is a busy though route and recent consent of Riverside South, Heron Quays West and 22 Marsh Wall, has resulted in interesting cluster of tall buildings around the site.
- 8.23 The proposal was discussed at pre-application stage. The applicants have responded to all of the Council’s Design Officer’s comments and the result is a refined and well considered design which responds to surrounding consented building and context. There is emphasis on quality public realm, accessible and visually delightful dockside edge which form first four storeys or base of the building. The hotel tower has been set towards the north to allow views of Riverside South in an effort to maintain the ‘sky space’ currently experienced west from Jubilee Park and west plaza.
- 8.24 Architecturally it is a visually distinctive building with its use of coloured glass, grey stone cladding and triple height void space framing the entrance. It includes a slender tower with elegant proportions and a distinct southern elevation which will be visible more prominently in the local context. The townscape impact analysis demonstrates that the proposal would not have any negative impacts on the townscape and would compliment the Canary Wharf cluster. The height is not significant enough to raise any concerns for London wider strategic views and would be masked by silhouettes of Riverside South and Heron Quays. The GLA has confirmed that the proposal does not raise any concerns in relation to strategic views.
- 8.25 The GLA stage 1 report states:

“The proposed development reflects a considered thought process and responds well to the surrounding context, constraints and opportunities. In terms of massing and scale, the proposed structure is well proportioned and the disposition of mass on the site represents a successful approach that relates to the surrounding built environment whilst maximising views into and out of the site”

The approach to the facades and external appearance incorporate high quality

materials and detailing that ensure a rich visual composition and complement to the surrounding developments; the framing device for the podium element echoes the approach to the pavilion building at the Heron Quays West scheme opposite, and provides an effective structural device to allow the building to meet the ground in an appropriate manner”.

- 8.26 Policy DEV27 of the IPG (October 2007) provides criteria that applications for tall buildings must satisfy. Considering the form, massing, height and overall design against the requirements of the aforementioned policy, the proposal is considered to be in accordance with the policy as follows:
- The scheme is of a high quality design;
 - the development creates an acceptable landmark building to the edge of the Canary Wharf Estate, invigorating the Middle Dock and complementing the existing tall buildings;
 - it contributes to an interesting skyline, from all angles and at night time;
 - the site is not within a strategic view corridor;
 - the site is not within a local view corridor and would not impact adversely on local landmarks;
 - the scheme provides adequate, high quality and usable amenity space;
 - the scheme enhances the movement of people, including disabled users, through the public realm area whilst securing high standard of safety and security for future users of the development;
 - the scheme meets the Council’s requirements in terms of micro-climate;
 - demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management;
 - the impact on biodiversity will not be detrimental;
 - the mix of uses proposed are considered appropriate and will contribute positively to the social and economic vitality of the surrounding area;
 - the site is located in an area with good public transport accessibility;
 - takes into account the transport capacity of the area and includes an appropriate S106 contribution towards transport infrastructure, to ensure the proposal will not have an adverse impact on transport infrastructure and transport services;
 - conforms with Civil Aviation requirements; and
 - will not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.
- 8.27 It must be noted that a separate planning application is currently being assessed by the Council for a development on the site to the north at the site at 1 Park Place for the erection of a 45 storey (202.67m high) building containing 119,693 square metres of office floorspace and ground floor retail (418 sq.m) and restaurant uses (634 sq.m). The application also proposes to activate the site edge facing onto West India dock through the introduction of a new public space. Further to this, approval was recently granted on 1 Park Place for the erection of a new building providing basement, lower ground, ground and 10 storeys of offices comprising 25,643sq metres of floor space with associated landscaping, car parking, servicing and plant.
- 8.28 The separation distance between the proposed development and the above developments is relatively the same at approximately 8 metres. Whilst it is acknowledged that this separation distance is relatively close, the applicant has provided a visual assessment examining the cumulative impact of these schemes upon the townscape and views, which was found to be acceptable.
- 8.29 Within the glass dominated environs of Canary Wharf, the building will be a positive addition as a legible marker with hotel use. Elevations are ordered carefully and materials reflect clarity of thinking for its proportions and aspect. In light of supporting comments received from the GLA and the Council’s Design Department regarding the form, height,

massing and design of the development, and subject to conditions to ensure high quality detailing of the development is achieved, it is considered that the proposal is acceptable in design terms and accords with the abovementioned policy and guidance set out in the London Plan (2008) and IPG (2007).

Heritage Issues

- 8.30 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building to have special regard to the preservation of the setting of the listed building as the setting is often an important part of the building's character.
- 8.31 Policy 4B.11 of the London Plan seeks to protect and enhance London's historic environment. Furthermore, Policy 4B.12 states that Boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character.
- 8.32 Policy CON1 of the IPG October 2007 states that planning permission will not be granted for development which would have an adverse impact upon the setting of the listed building.
- 8.33 As detailed above, the application site is not located within a conservation area. The nearest Conservation Areas are located approximately 300 to 350 metres away to the north of the site. It is not considered that the Conservation Areas would be adversely affected by the proposal.
- 8.34 Whilst the application site borders a Grade 1 listed dock wall, the applicant has advised that no physical works are proposed to the structure. The proposed development is expected to enhance the setting of the listed dock wall by the high quality finishes used and the enhanced waterside setting.
- 8.35 English Heritage and the Council's Design & Conservation Department have raised no objections to the proposed works, subject to the imposition of conditions. Furthermore, the aforementioned bodies have raised no objections with regard to the proposed buildings' impact upon the setting of the listed structure. As such, the proposal is considered to be appropriate and in accordance with PPG15, the London Plan and the Council's Interim Planning Guidance (2007).

Blue Ribbon Network

- 8.36 The middle dock, which borders the eastern boundary of the site, forms part of the Blue Ribbon Network. Policies 4C.11 and 4C.23 of the London Plan, DEV48 of the UDP and OSN3 of the IPG seek to protect and promote the vitality, attractiveness and historic interest of the docks, and to ensure that the design of waterside developments integrate successfully with the water space.
- 8.37 The orientation, layout and design of the building will ensure that the building will become a landmark within the middle dock. It is considered that this application significantly improves the Blue Ribbon Network by providing a new pedestrian footway adjacent to Middle Dock. The ground floor retail use adjacent to the dock will further animate this part of Middle Dock, as well as enabling greater enjoyment of the dock as part of the Blue Ribbon Network.
- 8.38 The GLA has advised that whilst these measures are welcomed in line with the objectives of Blue Ribbon Network policies, they are disappointed that the applicant has not sought to provide opportunities for recreational use of the water itself. It is to be noted however that the applicant does not have any control of the water space in Middle Dock. The water space is owned by British Waterways. In respect of Blue Ribbon Network policies, a

contribution towards "access improvements to the Thames Path" has been secured. The policies are considered to have been adequately addressed by the applicant and as such, the GLA's concern on this matter is not considered to be a sustainable reason for refusal.

- 8.39 In accordance with policy 4C.13, existing mooring facilities on the Blue Ribbon Network are to be protected and improved. There is currently a residential barge, named MV Josephine, which is moored on the dock adjacent to the eastern boundary of the site. The applicant has advised that this boat is currently on a 1 year contract from the 1st January 2008, which they consider to be a temporary mooring. However, in the interests of policy 4C.13 of the London Plan and the residential nature of the mooring, any impact upon the mooring must be considered.
- 8.40 Where the application site is currently undeveloped, it is acknowledged that the proposed development may result in increased amenity impacts upon the mooring such as a loss of sunlight/daylight, overshadowing, microclimate, loss of privacy and noise. However, the current setting of the dock and associated impacts are consistent with tall buildings, particularly given the latest approval of Heron Quays West to the south of the site. Further, London Plan policies seek to animate the dock edges. As such, it would be difficult to refuse the scheme based on this impact. Also, it must be noted that both British Waterways and the GLA have not objected to the scheme on this matter. British Waterways has requested specific conditions to be imposed to protect the setting of the canal and to protect the interests of future residents. These have been conditioned appropriately to this report.
- 8.41 Overall, it is considered that the development responds well to the Blue Ribbon Network policies. A planning condition is recommended, reserving details of the design and layout of proposed dock side pedestrian walkway to ensure that its design and provision would not detract from the use and enjoyment of the adjoining water environment.

Accessibility and Inclusive Design

- 8.42 Policy 3D.7 of the London Plan identifies that the Council should support an increase and the quality of fully wheelchair accessible accommodation. Further, paragraph 4.38 of policy CP13 of the IPG highlights that there is a shortage of accessible hotel accommodation in London. It identifies the English Tourist Council's National Accessible Standard as best practice to make hotel accommodation more accessible. All new hotel developments are required to meet the National Accessible Standard.
- 8.43 In line with Building Regulations Part M requirements, a minimum of 5% of the hotel rooms and serviced apartments are required to be wheelchair accessible. There is no direct planning policy on the minimum provision of wheelchair accessible units for hotel and serviced apartments. The applicant was originally seeking to comply with the minimum building regulations, however the GLA raised concern regarding the shortage of wheelchair accessible hotel rooms in London. As such the applicant has now agreed to provide a total of 10% wheelchair accessible units.
- 8.44 With respect to the design and access statement, the GLA Stage 1 report states:

"The design and access statement demonstrates that careful attention has been paid to ensuring that the development will be fully accessible to all users. Measures include designing out the need for ramps, ensuring step-free access to all levels and providing two on-site blue badge holder parking spaces. These are welcome in line with London Plan policy 4B.5".

Safety and Security

- 8.45 In accordance with DEV1 of the UDP 1998 and DEV4 of the IPG, all development is

required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments. British Waterways has requested the provision of CCTV along the canal via planning condition. Where the Metropolitan Police has raised no objection to the scheme, and where the ground floor area controlled and overlooked by hotel reception and commercial uses, the safety and security of the scheme is considered acceptable.

Amenity

- 8.46 According to paragraph 4.37 of policy CP13 of the IPG, hotel and serviced apartments must fit into their surroundings and should not harm the environment by reason of noise, disturbance, traffic generation or exacerbation of parking problems, or detract from the character of the area. Notwithstanding this, the IPG states that such facilities are more preferable in town centres and locations with good access to public transport, away from established residential areas to ensure any impacts are minimal.
- 8.47 Policy DEV2 of the UDP and policy DEV1 of the IPG October 2007 state that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.48 In terms of amenity, the applicant provided an Environmental Statement which addressed a wide range of issues, such as daylight/sunlight, air quality, wind, noise and vibration.

Sunlight/Daylight

- 8.49 Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of sunlight, daylight and overshadowing.
- 8.50 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.51 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.52 The applicant submitted a Daylight and Sunlight report which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties.
- 8.53 The method for assessment of daylight, sunlight and overshadowing matters is set out in the Building Research Establishment (BRE) Handbook. As stated in the BRE guidance "*guidelines may be used for houses and any non-domestic buildings where daylight is required*". However, in accordance with the guidance, and with best practice, where there is no guidance on the acceptable level for non-domestic buildings, commercial buildings are usually assumed not to require sunlight, and as such, is not included within the assessment (this consideration also extends to the proposed office development at 1 Park Place).

a. Surrounding Daylight/Sunlight

- 8.54 The majority of properties included in the assessment would meet the BRE guidelines for

daylight with the Newfoundland development in place. However there would be very small reductions to some levels within 1 – 9 Chandlers Mews and 11 – 85 Anchorage Point. These currently receive relatively low levels of daylight and are located approximately 300 meters to the south. Given the urban context, the effect is considered negligible.

- 8.55 Regarding sunlight, the majority of properties included in the assessment would meet the BRE guidelines with the Newfoundland development in place. However, at Berkeley Tower and Hanover House six out of 55 windows would marginally exceed the BRE guidelines. All of these comply with the total amount of Annual Probable Sunlight House (APSH) and would suffer imperceptible losses of winter sun and the effects are considered to be negligible.
- 8.56 On balance, it is acknowledged that there will be a loss of daylight/sunlight to a small number of existing neighbouring residential buildings as a result of the proposal. It is also acknowledged that the urban character of the area and the flexibility and suburban basis of the BRE guidelines, some impact on daylight and sunlight is expected to occur in such locations. Indeed, it can be argued that the amount and quality of light received is not untypical in an urban environment and therefore difficult to refuse on these grounds.
- 8.57 National, strategic and local planning policy of relevance to the sites redevelopment encourages the development of higher density developments and schemes which maximise the use of accessible sites. Given that the majority of the habitable rooms surrounding the site comply with the BRE daylight/sunlight guideline levels, it is unlikely that the loss of daylight and sunlight would justify refusal of this scheme and its noted benefits. On this basis, the proposal can be supported.

b. Internal Daylight Assessment

- 8.58 In order to assess the Daylight within the serviced apartments of the proposed development a vertical sky component (VSC) façade analysis was conducted. This gives a good indication as to the levels of daylight that falls on the façades of the proposed scheme when placed within the context of its surroundings.
- 8.59 According to paragraph 4.39 of IPG policy CP13, serviced apartments are not a form of permanent housing and therefore are considered to be non-domestic buildings. As mentioned above, there are no standards given in the BRE to determine acceptable levels for non-domestic buildings. None-the-less, the applicant's analysis has shown that three out of the four facades would receive an excellent level (VSC above 27%) and the western façade received a good level of daylight (VSC of 24.3%) when taking into consideration if planning permission is granted for the proposed 1 Park Place scheme. The northern façade however will experience poor levels of daylight as a result of the proposed 1 Park Place development. To mitigate against this, the applicant has advised that measures such as increased window sizes and careful planning of room layouts could overcome this impact.
- 8.60 Due to the height and location of the serviced apartments within the development, there are very few obstructions. Given the urban context, and the lack of guidance for non-domestic buildings, the internal daylight is considered acceptable.

c. Overshadow

- 8.61 The BRE report advises that for an amenity area to appear adequately sunlit throughout the year no more than two-fifths and preferably no more than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21st of March.
- 8.62 The applicant's assessment confirms that the amenity areas surrounding the site will

experience minimal permanent overshadow that is well below the permitted limits indicated within the BRE guideline.

- 8.63 Further, whilst there will be transient shadow caused by the development, the impact upon surrounding development (including the proposed 1 Park Place development) is considered to be minimal given the impact caused by surrounding existing and approved developments.

Air Quality

- 8.64 In order to mitigate any potential impacts during the construction phase, a Construction Environmental Management Plan (CEMP) will be conditioned setting out measures to be applied throughout the construction phase, including dust mitigation measures.
- 8.65 During the operational phase, the scheme is generally car free, Non-the-less, the scheme will be conditioned to provide a Green Travel plan which will encourage the use of sustainable transport modes. This will further reduce the impact of the development in terms of both greenhouse gases and pollutants.

Wind

- 8.66 Although there is no national or regional planning policy guidance in relation to wind assessments, Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of wind.
- 8.67 Similarly, there is no specific UDP policy relating to wind, but this is addressed in respect of micro-climate in the IPG policies DEV1, DEV5 and DEV27.
- 8.68 Within the submitted Environmental Statement, the applicant undertook a wind assessment, in order to assess the impact of the proposal upon the local microclimate, using wind tunnel tests. The report concludes that the pedestrian comfort and safety levels are appropriate for intended use with no mitigation measures necessary.
- 8.69 Further, the applicant has considered the cumulative impact that would arise if planning permission was granted for the proposed development at 1 Park Place, particularly given the close separation distance. The applicants assessment confirms that changes to comfort levels resulting from the proposed 1 Park Place development at most locations are negligible except 3 locations along the northern and eastern boundaries of the site. Notwithstanding, all locations would remain within acceptable comfort and safety levels and therefore no mitigation measures necessary are considered necessary.

Noise and Vibration

- 8.70 PPG24 provides national planning guidance regarding the impact of noise, which is identified as a material consideration in the determination of planning applications. It advises that wherever practicable, noise sensitive developments should be separated from major sources of noise. When separation is not possible, local planning authorities should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise through conditions.
- 8.71 The London Plan seeks to reduce noise, by minimising the existing and potential adverse impacts of noise on, from, or in the vicinity of development proposals (Policy 4A.20). Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments.
- 8.72 Within the submitted Environmental Statement, the applicant undertook a noise assessment. The Council's Environmental Health officer had no objection to the scheme

subject to appropriate noise and vibration conditions. The scheme is therefore considered acceptable.

Privacy/ Overlooking

- 8.73 Issues of privacy/overlooking are to be considered in line with Policy DEV2 of the UDP, where new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.
- 8.74 As mentioned above, the proposed Hotel/ Serviced Apartments are not a form of permanent housing and therefore are considered to be non-domestic buildings. Where there are no habitable rooms adjacent to the site, there are no privacy concerns raised by the proposed development. Whilst it is acknowledged that the setback distance from the proposed 1 Park Place development to the north is relatively small, the scheme has been designed to maximise views to the west, south and east.

Transport & Highways

Access

- 8.75 Policy T16 of the UDP and policies DEV17, DEV18 and DEV19 of the IPG October 2007 require new development to take into account the operational requirements of the proposed use and the impact (Transport Assessment) of the traffic that is likely to be generated. In addition, policy objectives seek to ensure that the design minimizes possible impacts on existing road networks, reduces car usage and, where necessary, provides detailed mitigation measures, to enable the development to be acceptable in planning terms.
- 8.76 The application site takes advantage of being in a highly accessible location well served by public transport. As mentioned above, Canary Wharf underground station on the Jubilee Line is located approximately 460 metres from the site. Heron Quays Road provides access east to Heron Quays DLR station (345 metres). The nearest bus stops are situated on Marsh Wall, Westferry Road, West India Avenue and Westferry Circus Upper Level roundabout. All are within 190 metres to 250 metres, and are served by four bus routes which provide approximately 27 buses per hour in peak periods. The site is also accessible via the Thames Clipper service from the Canary Wharf pier at Westferry Circus, which operates five westbound and four eastbound services during the AM and PM peak periods. The nearest Transport for London Road Network is the A1203 Limehouse Link, approximately 500 metres north west of the site.
- 8.77 The development will also bring forward significant improvements to the pedestrian environment around the site, and at basement level, in accordance with the London Plan and Council policy to improve pedestrian access.
- 8.78 With respect to public transport, the applicants Transport Assessment indicates that the number of trips on the Docklands Light Railway and underground would be low and that there will not therefore be a significant impact. For buses, the number of trips will also be relatively low but in combination with other planned developments in the area will have an impact on capacity. In accordance with TfL's requests, a contribution has been secured to mitigate the impact on the bus network.
- 8.79 TfL welcomes that the assessment is accompanied by a travel plan. This will be secured by planning condition in order to manage travel demand. The applicant has also agreed to the installation of DAISY boards in order to provide real time travel information.

8.80 Vehicular access to the site for taxis and visitor drop-off and pick-up would be provided at ground level off Park Place.

Car and Cycle Parking

8.81 In line with London Plan policy 3C.1 the developer seeks to reduce the need to travel by car. Measures to achieve this include: a car free development (only two disabled spaces are provided); 45 cycle parking spaces; improved pedestrian facilities; and appropriate travel planning. The development is not expected to generate significant numbers of motorcycle trips and no on-site parking provision is proposed. Canary Wharf provides on-street motorcycle bays at various locations across the estate.

8.82 In view of the site's high public transport accessibility level, TfL welcomes the car free nature of the scheme. Also, cycle parking has been provided in accordance with TfL standards.

Servicing and Refuse Provisions

8.83 The applicant has provided a waste management strategy which details that waste produced in the buildings will be consolidated at ground level, where waste and recyclables will be transported by road to suitable waste transfer and recycling storage. The Council's Cleansing Department have commented positively upon the waste management strategy.

8.84 Further, the Transport Assessment sets out the strategy for deliveries and servicing at the proposed development, which provides off-street servicing at ground level. The proposed service bay to the north of the site has been designed to ensure that all vehicle reversing movements are contained to within the site boundary. The design allows for service vehicles to enter and exit the site in a forward gear.

8.85 The Highways Department have raised concern that due to the lack of visibility caused by the ground floor layout, the turning area has potential safety implications to pedestrian walking on the streets. The Highways Department has advised that given the constraints of the site a Service Management Plan should be conditioned to appropriately address this matter.

Other Planning Issues

Energy and Renewable Technology

8.86 The consolidated London Plan (2008) energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Policy 4A.7 adopts a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.

8.87 According to policy DEV6 of the IPG, 10% of new development's energy is to come from renewable energy generated on site with a reduction of 20% of emissions.

8.88 The carbon emissions associated with the development's energy demand break down as follows:

1	Electricity (for cooling)	52%
2	Electricity (other than cooling)	32%
3	Gas (for CHP and boilers to provide hot water and space	16%

heating)	
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Energy efficient design

- 8.89 A series of passive design and energy efficient design measures has been described and figures drawn from building regulations modelling work indicate a 15% reduction over baseline requirements.

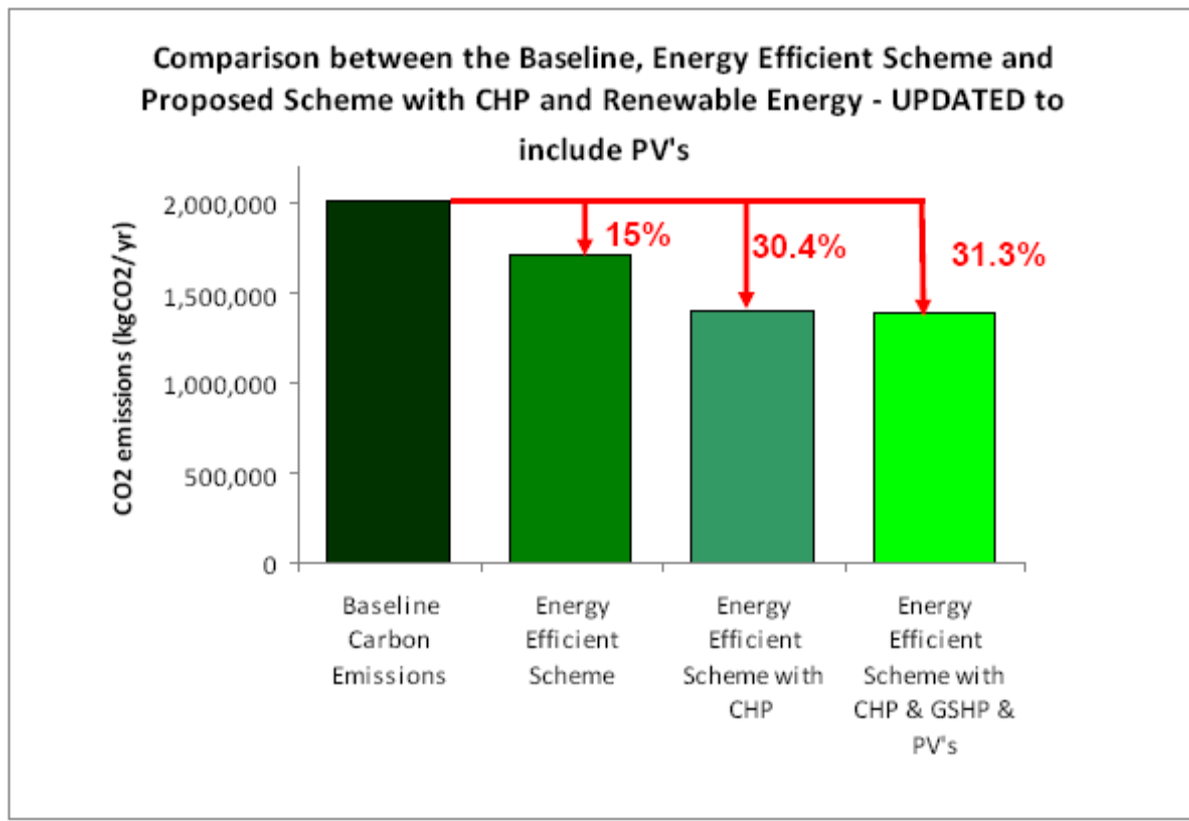
Heating and cooling

- 8.90 In accordance with London Plan policy 4A.5, heating and cooling to all uses within the building will be supplied from a single energy centre. A 135kWe combined heat and power (CHP) unit is proposed to provide the base hot water load and will reduce the development's carbon dioxide emissions by an estimated 15.4%.

Renewable energy

- 8.91 The energy strategy recognises that the CHP severely hinders the inclusion of any heat generating renewable technologies such as biomass heating where all technologies are competing for the same base-load heating requirements, especially where the CHP has been maximised.
- 8.92 As such, in respect of renewable energy technologies, a small ground source heat pump is proposed. This will reduce carbon dioxide emissions by an additional 0.6%. Following feedback from the GLA on the submitted energy strategy for the Newfoundland Development the strategy has been revised to include 250sqm of photo voltaic (PV's) panels as an additional renewable technology to that originally being proposed. The PV's are to be integrated within the building's southern façade (vertically mounted). The final arrangement of the PV's will be detailed by the design team during the next stage of design.
- 8.93 The overall carbon savings relative to the baseline carbon emissions have increased by 0.3% and now provide an overall reduction of 31.3% against the Part L 2006 baseline scheme. In accordance with the London Plan, the total carbon savings are shown below.

8.94



8.95 Whilst the contribution from renewable energy technologies is nominal, the applicant has provided justification for the non-compliance in line with London Plan policy 4A.7. Where the proposed development will reduce carbon emissions by an estimated 31.3% beyond minimum building regulations requirements the scheme is considered acceptable. A condition is to be attached to the planning permission requiring full design details of the energy efficiency measures and preferred energy technologies to be submitted and agreed by the local planning authority prior to commencement of development.

Sustainable design and construction

8.96 Policy 4A.3 of the London Plan requires all development proposals to include a statement on the potential implications of the development on sustainable design and construction principles. This is also reflected within the relevant policies of the IPG.

8.97 In accordance with London Plan policy, the application includes a sustainability statement which specifically addresses the Mayor's essential and preferred standards for sustainable design and construction. A range of sustainability measures are proposed to be incorporated into the scheme, including the use of water efficient appliances, rainwater recycling, and a commitment that at least 10% of the total value of materials used in construction will be derived from recycled and reused content. In accordance with London Plan policy 4A.11, living roofs will be provided on levels four and five of the podium which will be conditioned appropriately.

8.98 Whilst the scheme includes measures to ensure at least 50% attenuation of the undeveloped site's surface water run-off at peak times, the GLA have raised concern where the applicant has dismissed the potential for incorporating a sustainable urban drainage system (SUDS) in accordance with policy 4A.14.

8.99 The applicant has advised that, given the location of the development adjacent to the Dock and listed dock wall and the existing road network to the north and west of the site, the constrained footprint of the development renders any SUDS solution impractical where there is no external ground floor surface area to be utilised. Where the scheme seeks to

address the surface water run-off from the building, and subject to appropriate ground level surface water run-off conditions, a reason for refusal based on policy 4A.14 is not considered to be sustainable.

Flooding

- 8.100 Policy U3 of the UDP and policy DEV21 of the IPG October 2007 states that the Council (in consultation with the Environment Agency) will seek appropriate flood protection where the redevelopment of existing developed areas is permitted in areas at risk from flooding.
- 8.101 The site is located within a Flood Risk area. The Environment Agency was originally objecting to the scheme where no evidence has been provided that the flood risk Sequential Test has been adequately demonstrated in accordance with PPS25. In response to the submission of further evidence, the EA has since removed their objection regarding this matter and the scheme is considered acceptable.

Biodiversity

- 8.102 The subject site borders the Middle Dock, which is designated as a Water Protection Area and a site of nature conservation importance. Furthermore, the site contains a small number of semi-mature trees.
- 8.103 The applicant's ecology survey identified that there was no evidence of nesting bats and Black Redstarts on site. However the applicant has recommended within the ES for a monitoring protocol to be set up throughout the period February to September during construction. This is to be implemented within the scope of the Environmental Construction Management Plan condition imposed.
- 8.104 The applicant is also proposing the inclusion of living roofs which will provide a beneficial habitat and encourage further migration of other species. When designing the landscaping proposals, habitat creation should be encouraged at both roof and ground level through the use of nectar rich shrubs and trees for planting which will provide a valuable food source for birds and insects. The installation of bird boxes and bat boxes will be a significant improvement than is the case at present and has been conditioned appropriately.
- 8.105 Natural England, Environment Agency and the Council's ecology officer have not objected to the schemes impact upon biodiversity both on-site and in the dock.

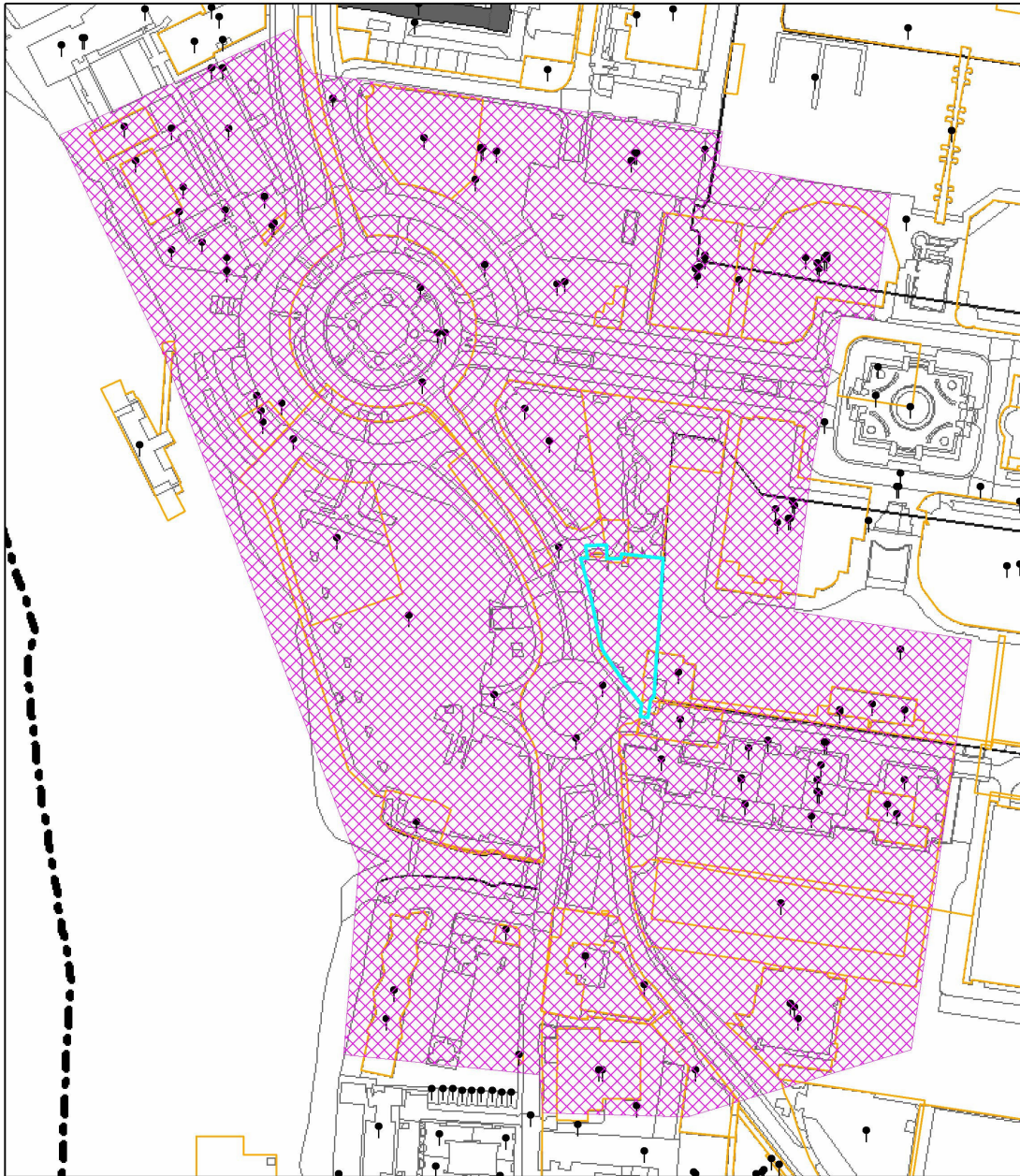
Environmental Statement

- 8.106 The Environmental Statement (ES) and further information/clarification of points in the ES have been assessed as satisfactory by Council's independent consultants Bureau Veritas. Mitigation measures required are to be implemented through conditions and/ or Section 106 obligations.
- 8.107 Upon Council's request, the applicant submitted a further addendum that considered the cumulative impacts that may arise if both the proposed Newfoundland development and the proposed commercial development at 1 Park Place were approved. Where relevant, the assessment also considers particular impacts that each development may have upon each other. This assessment was considered to be satisfactory by Bureau Veritas.

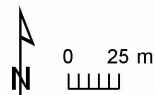
9.0 Conclusions

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568

Newfoundland, Canary Wharf, London

STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 28 AUGUST 2008

DECISIONS ON PLANNING APPLICATIONS

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Lutfa Begum. Councillor Rania Khan deputised in her place.

2. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Type of Interest	Reason
Shafiqul Haque	2 Gladstone Place & 13-22 Damien Street	Personal	Involved in Cabinet decisions relating to sale of land and development plans. Visited the site
M. Shahid Ali	All	Personal	Communication received from parties involved
Alibor Choudhury	18-22 Damien Street	Personal	Visited the Mosque
Stephanie Eaton	2 Gladstone Place & 18-22 Damien Street	Personal	Representations received
Ahmed Omer	2 Gladstone Place & All	Personal	Application is within Councillor's ward. Representations received.
Josh Peck	2 Gladstone Place	Personal	Lead Member with responsibility for sale of Council land. Involved in Cabinet decisions relating to sale and development plans.
Marc Francis (in attendance)	2 Gladstone Place	Prejudicial	Old Ford Housing Association Board Member
Ann Jackson	2	Personal	Site adjacent to

(in attendance)	Gladstone Place		Councillor's ward. Lives in the vicinity of the site.
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3. UNRESTRICTED MINUTES

The minutes of the meeting held on 10 July 2008 were agreed as a correct record, subject to the following amendment to Councillor Ann Jackson's declaration of interest (in italics):

Site *adjacent to* Councillors ward.

4. RECOMMENDATIONS

The Committee RESOLVED that, in the event of any changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting, and 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 Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure and those who had registered to speak.

6. DEFERRED ITEMS

6.1 2 Gladstone Place, London

On a vote of 5 for and 2 against the Committee RESOLVED that planning permission for the demolition of the existing buildings occupying the site and its redevelopment to provide five buildings of between four and ten storeys in height accommodating 2,687 sqm retail floorspace (Class A1) and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; and 6 x 5 bed), 104 parking spaces and landscaped public, communal and private amenity space at 2 Gladstone Place, London be GRANTED subject to:

- A. Any **direction by The Mayor**
- B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
 1. Affordable housing provision of 35% of the proposed habitable rooms with a 71/29 split between rented/ shared ownership to be provided on site.

2. A contribution of £293,324 to mitigate the demand of the additional population on health care facilities.
3. A contribution of £333,234 to mitigate the demand of the additional population on education facilities.
4. Provide £620,000 towards open space/ public realm improvements, which have been designed into the proposed scheme, though they are located off-site. This contribution is required to relieve the pressure that will arise from the new dwellings on existing open space/ public realm within the area.
5. A contribution of £50,000 towards the provision of child play space facilities in Victoria Park to meet the recreational needs of the 12 – 16 year old age group.
6. The provision of £388,442 towards Roman Road district shopping centre regeneration works.

(Officer Comment: During the pre-application process, the LBTH Market Services inquired of the applicant to explore provision of market trader parking spaces within the proposed car parking area to accommodate an identified need. The market currently operates 3 times a week.

The applicant explored a number of options and identified that the scheme could viably provide up to 16 market trader spaces on site as a planning contribution if required, and was designed into the scheme and assessed accordingly. The applicant advised that if the Council determined that these spaces were no longer required the spaces could be allocated and sold to the residents of the development. The capital receipt (valued at approximately £400,000) would then be transfer to the Council as a s106 financial contribution towards Roman Road district shopping centre regeneration improvement works.

Upon submission of the application, further investigation was undertaken to evaluate the appropriateness of on-site market trader spaces. The LBTH Market Services has advised that a more suitable solution in meeting the needs of market traders is to identify opportunities for on-street trader parking spaces within the local area. This was considered to be a more appropriate solution than providing trader spaces within the Gladstone Place development.

In accordance with the Council's Strategic Plan and the London Plan, in terms of improving existing town centres, the Council is currently preparing a program of delivery works that will assist in the regeneration the Roman Road district shopping centre. The LBTH Development Implementation Team, who is tasked with the role of pushing forward the regeneration of the Roman Road, has advised that a financial contribution is imperative in securing much needed capital to deliver this programme that will assist in mitigating any negative impacts that additional residential and retail uses may bring to the

immediate environs, including the proposed development.

This regeneration program is essential to help sustain and improve the town centre for new residents and businesses. This funding will allow for a multi - faceted approach to regenerating the town centre, rather than addressing trader parking alone. As such, in consideration of the schemes viability assessment, a financial contribution of £388,442 towards the regeneration of Roman Road district shopping centre is considered reasonable).

7. A contribution of £135,000 towards highway improvement works on Cardigan Road which will include, resurfacing works to the carriageway, upgrade of the eastern footway and a raised table at the junction of Cardigan Road and Anglo Road (including the proposed access to the site).
8. Exclusion of delivery traffic from the locality of the store until the appropriate delivery times conditioned by the planning permission.
9. The provision of a north-south and east west-public walkway through the site
10. Completion of a car free agreement to restrict occupants applying for residential parking permits.
11. TV reception monitoring and mitigation;
12. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
13. Commitment towards Code of Construction Practice.

That the Head of Development Decisions is delegated power to impose conditions on the planning permission to secure the following:

Conditions

1. Permission valid for 3 years.
2. Details of the following are required:
 - Samples for all external materials to be submitted with detail specifications.
 - 1:10 scale details for typical elevation conditions including balconies, window reveals, roof parapet, glazing
 - Cardigan Road elevation – including the treatment of the parking and service access and shutter if proposed. This will include details of signage, lighting and a green wall.
 - All landscaping (such as roof level brown and/or green roof systems, courtyard area, and ground floor play space, open space and public realm works) including lighting and security measures, play equipment, planting, finishes, levels, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins. The landscaping detail should mitigate

- any resultant wind environment at ground floor and podium levels; and
- The design of the lower floor elevations of commercial units including shopfronts;
3. No exit/entry doors are permitted to open outwards over the public highway.
 4. Landscape Maintenance and Management Plan. Native species should be implemented, including green/brown roofs.
 5. Parking – maximum of 74 residential car parking spaces (including 7 disabled spaces and 2 car club spaces), 30 commercial car parking spaces (including 4 disabled spaces), 10 residential and 4 commercial motor cycle spaces, and a minimum of 208 residential and 21 non-residential bicycle parking spaces.
 6. Archaeological investigation.
 7. Investigation and remediation measures for land contamination (including water pollution potential).
 8. Full particulars of the following:
 - Surface/ foul water drainage plans/ works; and
 - Surface water control measures.
 9. Construction Environmental Management Plan, including dust monitoring
 10. Submission of details of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
 11. Details of the operating hours for the A1 use/s to be submitted and approved prior to the date of occupation.
 12. No deliveries to the A1 use/s shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs.
 13. No noise nuisance to be caused to neighbouring residents. Permissible noise levels are as follows: 08:00-18:00 Monday to Friday Max Leq 75dB (A) Leq 10 hour at the nearest premises and 08:00-13:00 Saturday Max Leq 75dB (A) Leq 5 hour at the nearest premises. These noise limits apply at 1 metre from the façade of any occupied building.
 14. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays and no working on Sundays or Public Holidays
 15. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
 16. Sound insulation mitigation measures to be implemented in accordance with the Noise and Vibration Assessment and LBTH Environmental Health advice.
 17. During the demolition and construction phases of the proposed development, a programme of on-site vibration monitoring is required to demonstrate compliance with London Borough of Tower Hamlets standards. Measured ground borne vibrations should not exceed a peak particle velocity of 1 mm/s at any occupied residential property and 3 mm/s at any other property.
 18. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.

19. Submit a Green Travel Plan, for both the commercial and residential elements, to be maintained for the duration of the development.
20. Delivery and Service Management Plan, including management details for the car park and service/delivery area, including details of the car club spaces and security point adjacent to the car park entrance). Also, management details of the refuse and recycling facilities are required.
21. Submit Secure by Design Statement to address the design of the ground floor pocket park and north-south route, lighting and planting details along Gladstone Walk, lighting along the north and south elevations of Block E, and the use of CCTV cameras throughout the site.
22. Provision of electrical charging points for vehicles.
23. Details of the highway works surrounding the site
24. Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

1. Section 106 agreement required.
2. Section 278 (Highways) agreement required.
3. Site notice specifying the details of the contractor required.
4. Construction Environmental Management Plan Advice.
5. Environmental Health Department Advice.
6. English Heritage Advice
7. Parking Services Advise – Traffic Management Order
8. Metropolitan Police Advice.
9. Transport Department Advice.
10. Contact the GLA regarding the energy proposals.
11. Contact Thames Water for water and sewage infrastructure advice

That, if by 28th November 2008 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

(Councillor Dulal Uddin could not vote on the application as he had not been present at the previous meeting when the application had been considered

(Councillor Marc Francis declared a prejudicial interest in the above item and left the room during the consideration by Members

6.2 St George's Estate, Cable Street, London E1

On a vote of 5 for and 0 against, the Committee RESOLVED that planning permission for the refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings (13 x studios; 67 x 1 bed; 79 x 2 bed; 22 x 3 bed; 7 x 4 bed and 5 x 5 bed) and the erection of four townhouses and a community centre of 510 sqm and landscaping at St Georges Estate, Cable Street, London be GRANTED subject to the prior completion of a legal agreement to secure the following planning obligations:

- (1): Affordable housing provision of 35% of the proposed habitable rooms

with a 71/29 split between rented/ shared ownership to be provided on site.

(2): A contribution of £313,548 to mitigate the demand of the additional population on health care facilities.

(3): A contribution of £537,000 to mitigate the demand of the additional population on education facilities.

(5): A contribution of £25,000 for the improvements of bus stops on Bethnal Green Road and Shoreditch High Street

(6): A contribution of £151,000 towards improving street environment and walking links between the development

(4): £2,093,978 for cultural, social and community products and for the provision of workspace off site.

(5): Completion of a car free agreement to restrict occupants applying for residential parking permits.

(7): TV reception monitoring and mitigation.

(8): Commitment towards utilising employment initiatives in order to maximise the employment of local residents.

(9): Preparation, implantation and review of a Green Travel Plan.

(10): Preparation, implantation and review of a Service Management Plan.

That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

- 1) Permission valid for 3 years
- 2) Details of the following are required: material including samples of proprietary directional glazing, CCTV, external landscaping including semi mature trees (to be maintained for 5 years)
- 3) Details of visibility splays on Wellclose Square are required
- 4) Full refuse details
- 5) Demolition and Construction Management Plan
- 6) Amending condition bicycle parking details (1 cycle space per unit)
- 7) Energy efficiency strategy implementation
- 8) Disabled car parking details

- 9) Bicycle parking details
 - 10) Wind Assessment
 - 11) Telecommunications study
 - 12) Soil contamination
 - 13) Highways works
- Limit hours of power/hammer driven piling/breaking out to between 10.00 hours to 16.00 hours Monday to Friday
- 14) Archaeological evidence details
 - 15) Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 9.00 Hours to 17.00 Hours on Saturdays.
 - 16) Community centre to be restricted to D1 use
 - 17) Servicing management Plan
 - 18) Details on foul & surface drainage systems
 - 19) Storage facilities for oil, fuels or chemicals
 - 20) Surface water source control measures
 - 21) Car park management plan
 - 22) Noise assessment
 - 23): The applicant shall apply for a scaffolding licence with TfL
 - 24): Details of excavation works of site 10 shall be submitted and approved.
 - 25) Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Newfoundland, Canary Wharf

On a vote of 7 for and 0 against , the Committee RESOLVED to DEFER consideration of the application for planning permission for the erection of a 37 storey tower and a part 4/5 storey podium comprising a 150 bedroom Hotel (Class C1) and 78 serviced apartments (Sui Generis), together with ancillary restaurant facilities and servicing and parking areas including a drop off facility; provision of 1,300sqm of retail units (Class A1 to A4) at ground and basement level, a 1,580sqm restaurant (Class A3) at first floor level and 2,310sqm of education and training use (Class D1) at second and part third floor level; construction of basement for retail units (Class A1 to A4) and plant; construction of subterranean pedestrian link to the Jubilee Place retail mall and the Jubilee Line Station; provision of a new publicly accessible open space, dockside walkway and landscaping together with other works incidental to the application in order to take Counsel's legal advice on the level of s106 funding contained in the application and if appropriate to undertake further negotiation of the level of Section 106 funding contained in the application.

7.2 Second Floor, 18-22 Damien Street, London, E1 2HX

On a vote of 6 for and 2 against, the Committee RESOLVED that it was minded to GRANT planning permission for the change of use of the second floor from a music studio complex (Use Class B1) to educational facilities (Use Class D1) but because that decision was against the recommendation any further consideration of the application was DEFERRED to enable a further report to be presented to the committee to advise them on the decision they have indicated that they are minded to take.

7.3 1 Park Place, London, E14 4HJ

On a vote of 6 for and 1 abstention, the Committee RESOLVED that planning permission for the demolition of the existing building and structures on the site and erection of a new building (196.67m high) providing 122,615 sq.m of floorspace (office & retail), underground parking, services and plant and provision of a new publicly accessible walkway to dockside be GRANTED subject to

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

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

Financial Contributions

- a) Provide a contribution of **£440,342** towards education, training and employment initiatives for residents and improvements to the Mile End Park and other local leisure and recreational facilities.
- b) Provide a contribution of **£239,081** towards highway improvements
- c) Provide **£358,621** towards securing Local Labour in Construction initiatives.
- d) Provide a contribution of **£7,014,149** towards off-site provision of affordable housing
- e) Provide **£3,700,000** towards transport infrastructure, specifically:
 - i. Docklands Light Railway three carriage capacity enhancement works;
 - ii. Canary Wharf Underground station improvements;
- f) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

(Total S.106 contribution = **£11,752,243**)

Non-financial Contributions

- g) Travel Plan – to promote the use of sustainable travel;
- h) Publicly Accessible Walkways - Maintenance and with unrestricted public access to dockside walkway;
- j) Provision of Public Art;
- k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

That the Corporate Director Development & Renewal is delegated authority to

negotiate the legal agreement indicated above.

That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- 1) Time Limit (3 years)
- 2) Particular details of the development
 - External materials;
 - 1:1 scale sample for typical cladding system;
 - External plant equipment and any enclosures;
 - Hard and soft landscaping; and
 - External lighting and security measures
- 3) Full particulars of energy efficiency technologies required
- 4) Submission of BREEAM assessment required.
- 5) Hours of construction
- 6) Biodiversity Action Plan required
- 7) Demolition and Environmental Construction Management Plan required including feasibility study and details of moving waste and materials by water during construction
- 8) Service Management Plan
- 9) Employment and Training Strategy required
- 10) Noise control limits
- 11) Land contamination assessment required
- 12) Programme of archaeological work required
- 13) Programme of recording and historical analysis of archaeological evidence
- 14) Details of proposed foundation details to be agreed by LUL
- 15) Designated motorcycle spaces to be used solely for the parking of motorcycles
- 16) Scheme for design and implementation of flood warning system
- 17) Landscape Management Plan
- 18) Light spill to dock controlled
- 19) Details of construction of storage facilities for oils, fuels and chemicals
- 20) No solid matter stored within 10m of the banks of the dock
- 21) Protection of public sewers
- 22) Impact study of the existing water supply infrastructure required
- 23) Control of development works (restricted hours of use for hammer driven piling or impact breaking)
- 24) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 1) Contact Thames Water
- 2) Contact London City Airport regarding cranes and scaffolding
- 3) Contact LBTH Building Control
- 4) Contact British Waterways
- 5) Contact Environment Agency
- 6) Contact London Fire & Emergency Planning Authority
- 7) Any other informative(s) considered necessary by the Corporate

Director Development & Renewal

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

Martin Smith
CHIEF EXECUTIVE

(Please note that the wording in this document may not reflect the final wording used in the minutes.)

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**EXTRACT FROM THE MINUTES OF THE STRATEGIC DEVELOPMENT
COMMITTEE MEETING HELD ON 28TH AUGUST 2008**

7.1 Newfoundland, Canary Wharf

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for planning permission for the erection of a 37 storey tower and a part 4/5 storey podium comprising a 150 bedroom Hotel (Class C1) and 78 serviced apartments (Sui Generis), together with ancillary restaurant facilities and servicing and parking areas including a drop off facility; provision of 1,300sqm of retail units (Class A1 to A4) at ground and basement level, a 1,580sqm restaurant (Class A3) at first floor level and 2,310sqm of education and training use (Class D1) at second and part third floor level; construction of basement for retail units (Class A1 to A4) and plant; construction of subterranean pedestrian link to the Jubilee Place retail mall and the Jubilee Line Station; provision of a new publicly accessible open space, dockside walkway and landscaping together with other works incidental to the application.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application and answered Member's questions on the level of Section 106 funding. He advised that as the application was not just for business/retail development, there was no justification to ask for more. Although the serviced apartments were aimed at the business market, they were limited to a ninety day stay and therefore the occupants would not impact on the local schools and health services.

On a vote of 7 for and 0 against , the Committee RESOLVED to DEFER consideration of the application for planning permission for the erection of a 37 storey tower and a part 4/5 storey podium comprising a 150 bedroom Hotel (Class C1) and 78 serviced apartments (Sui Generis), together with ancillary restaurant facilities and servicing and parking areas including a drop off facility; provision of 1,300sqm of retail units (Class A1 to A4) at ground and basement level, a 1,580sqm restaurant (Class A3) at first floor level and 2,310sqm of education and training use (Class D1) at second and part third floor level; construction of basement for retail units (Class A1 to A4) and plant; construction of subterranean pedestrian link to the Jubilee Place retail mall and the Jubilee Line Station; provision of a new publicly accessible open space, dockside walkway and landscaping together with other works incidental to the application in order to take Counsel's legal advice on the level of s106 funding contained in the application and if appropriate to undertake further negotiation of the level of Section 106 funding contained in the application.

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Agenda Item 6.2

Committee: Strategic Development	Date: 9 th October 2008	Classification: Unrestricted	Agenda Item No: 6.2
Report of: Corporate Director Development & Renewal		Title: Deferred Item	
Case Officer: Simon Ryan		Ref No: PA/08/00881	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

Location:	Second Floor, 18-22 Damien Street, London E1 2HX
Existing Use:	Music studio complex (Use Class B1)
Proposal:	Change of use of second floor from music studios (Use Class B1) to educational facilities (Use Class D1) together with internal alterations
Drawing Nos:	<ul style="list-style-type: none">• Drawing no. 1461-20 together with a location plan prepared to a scale of 1:1250• Three site photographs• Planning Statement dated 2nd May 2008• Design & Access Statement• Employment Statement• Annual Report (2006/2007) of the charity Esha 'Atul Islam• London Islamic School accounts report, dated 31 March 2007• Ofsted report on the London Islamic School dated 26-27 February 2008
Applicant:	Esha'atul Islam
Owner:	Esha'atul Islam
Historic Building:	N/A
Conservation Area:	Ford Square

2. BACKGROUND

- 2.1 This application was originally presented to Members of the Strategic Development Committee on 28th August 2008. The original report recommended refusal of planning permission. This report is attached at appendix 1.
- 2.2 At the meeting, on a vote of 6 for and 2 against, the Committee RESOLVED that it was minded to GRANT planning permission for the change of use of the second floor from a music studio complex (Use Class B1) to educational facilities (Use Class D1), subject to a further report being presented to the committee.
- 2.3 At the meeting, Members considered the benefits of both the expansion of the London Islamic School and associated cultural centre and also the retention of the existing recording studio complex. Whilst Members recognised that the recording studios had a number of benefits in terms of employment and its contribution to a creative industry within the Borough, it was considered that these were outweighed by the advantages brought to the local community as a result of the proposal, particularly in terms of educational and community benefits.

Highways Comments

- 2.4 Within their consultation response, the Council's Highways Department recommended that 20 cycle parking stands should be provided within the premises. In light of the fact that the site immediately abuts a narrow pavement on Damien Street and has no outdoor space, the applicant would need to locate any cycle stands within the building. This would result in the

loss of a considerable amount of floorspace, to the detriment of the educational and cultural facilities provided. As such it is not considered reasonable to attach a condition requiring the provision of cycle stands.

- 2.5 As detailed within paragraph 8.28 of the previous report presented at the meeting of 28th August 2008, it is considered necessary to ameliorate the potential highways impact of the proposal by requiring the applicant to enter into a s106 car-free agreement. A condition to this effect has been attached as detailed above within paragraph 3.1 of this report.

3. CONCLUSIONS

- 5.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

4. PROPOSED REASONS FOR GRANTING PLANNING PERMISSION

- 4.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- The proposed expansion of the educational facilities accords with saved policies ST45 and ST46 of the Unitary Development Plan (1998) and policy CP29 of the Interim Planning Guidance (2007), which seek to ensure that sufficient buildings are available to meet all existing and future educational needs arising in the Borough, and such provision is within locations accessible to the Borough's residents
 - The proposed expansion of the London Islamic School will facilitate the provision of additional community facilities within the existing school and associated Islamic Centre. This accords with policy CP27 of the Interim Planning Guidance, which supports the multiple use of social and community facilities, particularly the use of schools after hours for a mix of sporting, social, cultural and recreational uses. The proposal is also in line with policy SCF1 of the Interim Planning Guidance, which seeks to ensure that community facilities have a high level of accessibility
 - It is recognised that there is policy support for both the retention of the music studio facilities and the expansion of the London Islamic School and the associated Cultural Centre. As such, it is necessary to weigh the benefits of each case. In light of the benefits of the proposal in terms of the expanded educational use and the additional wide-ranging social and community facilities which the proposal would facilitate, it is considered that the proposal would reap more benefits for the local community than the retention of the music studio complex
 - The proposal would not give rise to an undue loss of amenity to adjacent or nearby residential occupiers and therefore complies with saved policy DEV2 of the Unitary Development Plan (1998) and policy DEV1 of the Interim Planning Guidance (2007)
 - Subject to conditions requiring the applicant to enter into a s106 car-free agreement preventing any employees from applying for an on-street parking permit, it is not considered that the proposal would give rise to any adverse highways conditions. As such the proposal complies with saved policy T17 of the Unitary Development Plan (1998) and policy 3C.23 of the London Plan, which seeks to enforce parking standards
 - The proposal does not incorporate any amendments to the external appearance of the building and, as such, does not adversely impact upon the character of the Ford Square Conservation Area. The proposal therefore complies with policy CON2 of the Interim Planning Guidance (2007), which seeks to ensure proposed developments preserve or enhance the distinctive character of the Borough's Conservation Areas

5. PROPOSE DETAILS OF ANY PLANNING PERMISSION

5.1 If the Committee resolve to **GRANT** planning permission it should be subject to:

Conditions

- 1) Time limit – 3 years
- 2) Hours of construction (08.00 – 18.00 Hours Mon – Fri and 08.00 – 13.00 on Sat)
- 3) Full details of refuse storage to be submitted and approved
- 4) Full details of proposed ventilation and extraction systems to be submitted and approved
- 5) S106 car-free agreement
- 6) Applicant to notify Council of commencement of development
- 7) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

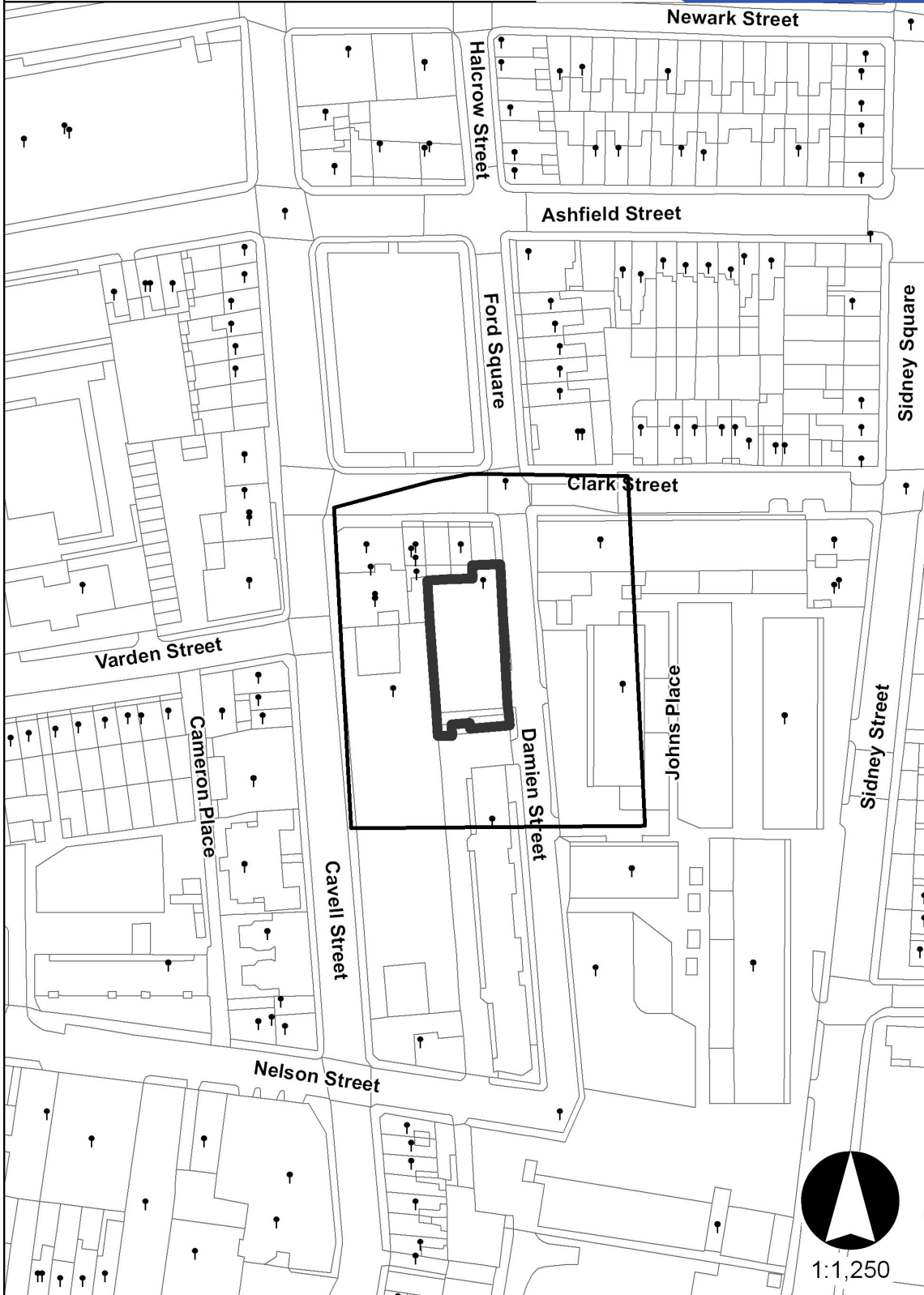
Informatives

- 1) Contact Building Control
- 2) Contact Environmental Health regarding food safety and health & safety
- 3) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

6. APPENDICES

6.1 Attached at Appendix 1 is the report presented to Members on 28th August 2008.

Planning Application
Site Map



Planning Application Site Boundary



Consultation Area



Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

Committee: Strategic Development	Date: 28 August 2008	Classification: Unrestricted	Agenda Item No: 7.x
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Simon Ryan		Ref No: PA/08/00881	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

Location:	Second Floor, 18-22 Damien Street, London E1 2HX
Existing Use:	Music studio complex (Use Class B1)
Proposal:	Change of use of second floor from music studios (Use Class B1) to educational facilities (Use Class D1) together with internal alterations
Drawing Nos:	<ul style="list-style-type: none"> • Drawing no. 1461-20 together with a location plan prepared to a scale of 1:1250 • Three site photographs • Planning Statement dated 2nd May 2008 • Design & Access Statement • Employment Statement • Annual Report (2006/2007) of the charity Esha 'Atul Islam • London Islamic School accounts report, dated 31 March 2007 • Ofsted report on the London Islamic School dated 26-27 February 2008
Applicant:	Esha'atul Islam
Owner:	Esha'atul Islam
Historic Building:	N/A
Conservation Area:	Ford Square

2. RECOMMENDATION

2.1 That the Committee resolve to **REFUSE** planning permission for the change of use of the second floor from a music studio complex (Use Class B1) to educational facilities (Use Class D1) as the proposal is contrary to the aims and objectives of the London Borough of Tower Hamlets Unitary Development Plan (1998), the Interim Planning Guidance (October 2007) and the London Plan (consolidated with alterations since 2004) for the reasons outlined below:

1. The proposal would result in the loss of recording studios for which a local need exists and the building is still capable of being put to such use. Furthermore, no suitable replacement of these facilities has been identified. As such, the proposal is contrary to saved policy ART2 of the Unitary Development Plan (1998), which seeks to resist the loss of arts and entertainment facilities.
2. The proposed change of use would result in the loss of a locally and historically significant music studio facility within the Borough, which provides essential facilities for numerous individuals and businesses both within the borough and in the London region. The loss of the studios would have a demonstrable effect on a creative industry cluster, contrary to policy CP12 of the Interim Planning Guidance (2007) and policy 3B.8 of the London Plan, which seeks to protect, identify and support creative industries and related industries and environments.
3. The proposed change of use would negatively impact upon a creative industry cluster and would result in the loss of numerous specialist employment opportunities within the

Borough. This is contrary to saved policy ST15 of the Unitary Development Plan (1998) which seeks to facilitate the expansion and diversification of the local economy by encouraging a range of economic activities, and policy CP11(c) of the Interim Planning Guidance (2007) which seeks to retain employment sites where there is a current or future demand for them as an employment use, particularly where they form a cluster of similar, supporting uses.

3. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 3.1 Further to the three points detailed in the above recommendation, the following issues have been considered with regard to the proposal:
1. Employment: It is evident that the employment benefits generated by the existing music studio complex, both directly and indirectly within the creative cluster of which it is a key part, exceed that of the application proposal;
 2. Amenity & Safety: Subject to conditions, it is not considered that the proposed use of the second floor would have any undue impacts upon amenity of nearby residents or other users of the building; and
 3. Highways: Subject to a legal agreement, it is not considered that the proposed usage would exacerbate existing traffic and parking problems in the area, as detailed by local residents within representations.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the change of use of the second floor of the three-storey building at 18-22 Damien Street from music studios (Use Class B1) to an educational institute (Use Class D1) which would be operated in association with the mosque, madrassa and cultural centre which is located at basement, ground and first floor level within 18-22 Damien Street.
- 4.2 The submitted plans show that the second floor is proposed to contain two classrooms, a computer room, science lab, staff room and dining area together with WC facilities and ablution areas.
- 4.3 The submitted design & access statement details that the school currently has a maximum capacity of 145 pupils (boys between the ages of 11-16), with 118 pupils presently in attendance. The proposed change of use of the second floor would increase the capacity of the school from 145 pupils to 175.

Applicant's Supporting Statement

- 4.4 Within a supporting statement submitted by Esha'atul Islam (dated 11th August 2008), the applicant states that the Esha'atul Islam Mosque, Madrassa and Cultural Centre which currently occupy the application building, is a popular facility located in the centre of the local community it serves. In addition to its function as the London Islamic School, it provides social and cultural facilities to all ages. It is a registered charity which reports to the Charities Commission and is reliant upon voluntary contributions and donations. The vast majority of the current activities of Esha'atul Islam are contained within the basement, ground and first floors of 18-22 Damien Street. The basement and the ground floor provide an open area used as a Mosque for prayer, whilst the first floor contains school classrooms.
- 4.5 The applicant details that prayers occur five times daily on the ground floor and basement level, attracting some 500 people into the centre, rising to 1200 people on Fridays. Outside of these times, the same spaces are used as an open area for students, as accommodation to host temporary health and education classes, and, in the basement area, a younger children's (5-7 years) after school club and a part-time special education facility for over 16 year olds. The applicant details that these clubs are attended by over 120 pupils. An

organised programme of religious talks and readings takes place on the ground floor once a month which attracts between 500 and 700 attendees.

- 4.6 With specific regard to the proposed change of use of the second floor, the applicant states that the centre has expanded rapidly but has reached capacity in terms of accommodation. The use of the existing space has been maximised by a timetable that allows it to be shared by many different activities throughout the day and evening. However, this sharing of space is starting to compromise the quality and restrict the type of activities and, overall, reduce the effectiveness of the centre's work. The applicant specifies that the school currently has a waiting list and turns away 50 prospective pupils a year, local community members have been denied marriage guidance due to lack of suitable private space and the fact that there are no female toilet facilities restricts the use of the centre by women.
- 4.7 The proposed change of use of the second floor would provide approximately 400 sq.m. of additional space and allow the introduction of the facilities mentioned in paragraph 4.2, above. The proposal would add teaching facilities as mentioned above, and also allow the school's capacity to increase and employ an additional 13 full-time staff. The additional space will minimise the need for students to share the remainder of the building, and as a result, release space on the ground floor and basement for the expansion of other functions. This separation will also improve the security of the school. Classes for women will now be possible four times a week, as will marriage counselling, an expansion of the evening classes for children and teenagers, and facilities will also be provided for community elders.
- 4.8 The appellant's supporting statement concludes that there are few alternatives for Esha'atul Islam as the Centre needs to be located within the local community it serves. The possibility of securing space for community use is generally very difficult and the cost of land and premises has pushed beyond what a charitable organisation can realistically afford.

Site and Surroundings

- 4.9 The application site at 18-22 Damien Street consists of a three-storey purpose built factory building with basement level. The building is directly opposite is John's Place which consists of a block of Council owned residential flats, and adjacent to the south is Damien Court – a private block containing 30 residential units. The application site is partly within the Ford Square Conservation Area.
- 4.10 To the rear of the site (west) lies 54 Cavell Street, a four storey former industrial building containing live/work units, and an empty site which lies above the East London underground line.
- 4.11 The second floor of 18-22 Damien Street is currently occupied by Jamestown Studios, a music studio complex which consists of 23 individual recording studios, together with office, lounge, dining and refreshment areas. Of the 23 studios, 4 are located within the adjacent building at 19 Ford Square. However, access to these studios is obtained through 18-22 Damien Street.

Relevant Planning History

- 4.12 The following planning decisions are relevant to the application:

ST/88/00093 Planning permission was granted in March 1989 for the change of use of 16 Ford Square to residential use and the construction of a mosque, madrassa and cultural centre upon the vacant site at 46-52 Cavell Street. The latter element of this application was not implemented due to the physical constraints of the site being located above the East London Underground line.

ST/95/00149	Planning permission was granted in February 1996 for the erection of a conservatory at second floor level as a rest area for the adjoining recording studios.
ST/95/00061	Planning permission was granted on a temporary basis in March 1996 for the change of use and retention of part of the first floor as a mosque and madrassa.
PA/98/01288	Full planning permission was granted in August 1999 for the change of use and retention of the basement, ground and first floor from showroom/warehouse/storage and light industrial to a mosque, madrassa and cultural centre.
PA/02/00652	Planning permission was granted in November 2002 for alteration to building elevations and the insertion of a main entrance at ground floor level.
PA/06/01403	This application sought consent for the change of use of the second floor from music studios (Use Class B1) to educational institute (Use Class D1) including internal alterations. Following deferral from the Development Committee meeting of 2 nd May 2007, the application was heard at the Development Committee meeting of 3 rd July 2007 and carried an officer recommendation of refusal. Members resolved to approve the application. The owner of Jamestown Studios subsequently sought a Judicial Review of the decision. The decision was quashed by the High Court by virtue that the reasons for grant were not sufficiently robust. Costs of £10,000 were also awarded. Upon the decision being quashed, the applicant withdrew the application on 8 th May 2008.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

Unitary Development Plan 1998 (as saved September 2007)

Policies:	ST45	Education and training
	ST46	Encourage education and training provision at accessible locations
	ART2	Protection of arts and entertainment facilities
	EMP6	Employing local people
	T17	Parking standards

Interim Planning Guidance for the purposes of Development Control

Policies:	CP11	Protection of sites in employment use
	CP12	Creative and cultural industries and tourism
	CP27	High quality social and community facilities to support growth
	CP29	Improving education and skills
	SCF1	Social and community facilities

Supplementary Planning Guidance/Documents

Planning for Equality and Diversity in London (London Plan)

Spatial Development Strategy for Greater London (London Plan – consolidated with amendments since 2004)

	3A.24	Education facilities
	3B.8	Creative industries
	3C.22	Improving conditions for cycling
	3C.23	Parking strategy
	3A.17	Addressing the needs of London’s diverse population
	3A.18	Protection and enhancement of social infrastructure and community facilities

Community Plan The following Community Plan objectives relate to the application:
A better place for creating and sharing prosperity
A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

LBTH Environmental Health

6.3 No objections raised with regard to the proposal. The Environmental Health officer did, however, detail that complaints have been received since July 2007 with regard to noise nuisance from the Mosque.

LBTH Education

6.4 No comment.

LBTH Arts and Events

6.5 Concerns are raised with regard to the proposal's impact upon the local cultural industries. [Music] Studio provision is generally in short supply in the Borough. The London Plan recognises that the creative industries are a core part of London's economy and LBTH echo that on a local scale. Given the relatively high unemployment amongst our youth in the Borough, LBTH Arts and Events would, wherever possible, support the retention of such music facilities as Jamestown Studios as part of the local infrastructure necessary to support young people into the music industry. It would be very difficult to relocate such facilities locally.

LBTH Highways

6.6 The applicant has not indicated the provision of any cycle facilities. Cycle storage at 1 stand per 10 pupils or staff members should be provided, this would equate to a total of 20 stands and the applicant should ensure that each bike has been allocated the minimum required area of 2m x 0.5m plus 0.5m manoeuvring space and has the minimum required stand of 1.20m x 0.7. Sheffield Style stands are recommended.

LBTH Building Control

6.7 No objections raised.

7. LOCAL REPRESENTATION

7.1 A total of 969 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: **375** Objecting: **87** (161 letters of Supporting: **287**
objection to previous app.
PA/06/1403 have also been
submitted)

No of petitions received: 1 in support containing 667 signatories

7.2 The following local groups/societies made representations:

In objection:

- Sidney Estate South Tenants Association
- London Metropolitan University

In support:

- Shahporan Masjid & Islamic Centre Trust
- Bangladesh Welfare Association

7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

In objection:

- The loss of a high quality, purpose built music studio complex which has attracted and supported countless national and international musicians
- The closure of a purpose-built studio complex would be disastrous for the numerous musicians, composers and producers who depend on the facilities at Jamestown to earn their living. A number of musicians have made representations on the grounds that the studios provide essential facilities that they could not or afford or access otherwise, and provide a community hub for musicians, producers and DJ's to interact
- London Metropolitan University have objected on the grounds that they collaborate with Jamestown Studios and sixth form schools in the Borough to provide introductory training to creative media production
- The business and the livelihood of many clients and subcontractors rely on the unique and affordable facilities
- The facilities support musicians who provide music tuition in several local comprehensive schools including Mulberry School and Bow Boys School
- The studio facilities support and encourage local artists, particularly due to its affordability
- The presence of the music studio provides diversity to the neighbourhood
- Numerous local businesses depend on the music studios and would not survive without it
- The music studios are a vital economic and creative presence in Tower Hamlets
- The students of the existing school create noise nuisance and anti social behaviour which would be exacerbated by the expansion of the school
- The users of the music studios provide custom to a number of local shops, bars and restaurants
- The complex is not just used by musicians, but also other industries such as multimedia, internet, software/games, podcasting and radio
- The expansion of the school would exacerbate the existing parking problems in the area

In support:

- The additional space will allow extended educational and community facilities to be provided, particularly to local women, children and the elderly
- The proposal would benefit the local community in a far greater manner
- Local women would benefit greatly from the counselling and community services provided by the enlarged centre
- The centre would increase cohesion with the local youth population and provide rehabilitation facilities for young offenders
- The increased capacity of the school is greatly needed, as is the enhancement and expansion of the educational facilities, particularly a science lab and dining area
- The expansion of the school would create employment
- Education should be given priority over a private music company
- Currently, many local children have to travel long distances to school
- The music studios create noise to the disturbance of daily prayers at the adjacent Cultural Centre and lessons at the London Islamic School
- The music studio facility is a barrier to community cohesion because of the noise disturbance

- The studio use conflicts with the school use; the music studios are used at antisocial hours, free movement within the building is restricted and users of the studios smoke and litter outside the premises. Drug use is also evident
- The expansion of the London Islamic School will provide custom for local businesses

7.4 The following issues were raised in representations, but they are not material to the determination of the application:

- The proposed fire escape is not sufficient for the proposed use (OFFICER COMMENT: Details relating to means of escape are controlled through Building Control legislation)
- A number of landlord and tenant issues were raised within representations, particularly with regard to land ownership matters and the music studios being located within the premises three years prior to the school and Cultural Centre. Landlord and tenant issues are not material planning considerations, and should not form the basis of any planning decision

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Employment
3. Amenity & Safety
4. Highways

Land Use

8.2 The application proposes the change of use of the second floor of 18-22 Damien Street from a music studio complex (Use Class B1) to educational facilities (Use Class D1). Development Plan policies support the promotion of both creative industries and education and community facilities. The relevant policies are analysed below.

Supporting policy framework for proposal

- 8.3 With regard to the proposed expansion of the London Islamic School and the associated Cultural Centre, saved policy ST45 of the UDP (1998) seeks to ensure that sufficient buildings are available to meet all existing and future educational needs arising in the Borough. Saved policy ST46 of the UDP encourages educational and training provision at locations which are accessible to the Borough's residents. In light of the proposed expansion of the school and the additional community benefits that the proposal would reap, it is considered that the proposal is in line with saved policies ST45 and ST46.
- 8.4 Policy CP29 of the Interim Planning Guidance (2007) seeks to improve education and skills within the Borough through educational and training initiatives and adequate education facilities. Again, the proposed increase in the school's capacity would assist in educational improvement within Tower Hamlets and therefore be supported by this policy. It should also be noted that the existing music studio complex works in partnership with local educational institutes to provide music tuition and experience in music industry careers.
- 8.5 The proposal conforms with policy SCF1 of the Interim Planning Guidance (2007), as it is considered that the proposal continues to ensure that community facilities have a high level of accessibility.
- 8.6 The application is also supported by London Plan (Consolidated with Alterations since 2004) policy 3A.24, which states that boroughs should develop policies which reflect the demands for pre-school, school and community learning facilities, and should ensure adequate provision in partnership with the local education authority, local strategic partnerships and

users. The policy also requires boroughs to take into account, inter alia, the potential for expansion of the existing provision and the proximity to homes and workplaces, whilst also achieving full use of schools in the evenings and at weekends.

- 8.7 Policy 3A.17 of the London Plan seeks to ensure that the needs of diverse groups are identified. The policy states that the spatial needs of these groups are met wherever possible, both through general policies for development and specific policies relating to the provision of social infrastructure including healthcare and social care, safety and security, policing facilities, the public realm, playspace and open space, inclusive design and local distinctiveness, community engagement, access to employment/skills development opportunities, and the provision of suitable space for Small and Medium-sized Enterprises. Existing facilities that meet the needs of particular groups should be protected, and where shortfalls have been identified, policies should seek measures to address them proactively. This policy should have particular relevance to the additional guidance set out in the 'Planning for equality and diversity in London' SPG which accompanies the London Plan. This guidance has particular reference to the existing disparities experienced by London's older people, children, women and black, Asian and minority ethnic groups. The document aims to ensure an inclusive London that builds upon its diversity. In the case of this application, it is considered that this policy is relevant in the case of the London Islamic School/Cultural Centre.
- 8.8 Policy CP27 of the Interim Planning Guidance (2007) builds upon policy 3A.17 of the London Plan, and supports the provision of high quality social and community facilities. The policy specifically supports the multiple use of social and community facilities, particularly the use of schools after hours, for a mix of sporting, social, cultural and recreation uses, provided there are no adverse impacts on the amenity of residents. Again, the proposed change of use is supported by this policy.

Supporting policy framework for the retention of the music studio complex

- 8.9 With regard to the retention of the music studio facilities, saved policy ART2 of the UDP (1998) seeks to resist the loss of arts and entertainment facilities within the Borough. It states that planning permission will not normally be given for development which involves the loss of arts and entertainment facilities, without suitable replacement, where a local need still exists and the building is still capable of being put to such use. The preamble to the policy also states that "arts facilities should not be seen as only those designed for public consumption, provision also needs to be made for production (e.g. artists studios, theatre company workshops or recording studios), for both professionals and amateurs.
- 8.10 Policy CP12 of the Interim Planning Guidance (2007) recognises that the creative and cultural industries are a key sector of London's economy and particularly in Tower Hamlets. The policy states that the Council will support new, and seek to retain and protect existing, creative and cultural industries, entertainment and tourism related uses, facilities and services for arts and culture and facilities that support these industries in inappropriate, accessible locations. The policy also states that the loss of creative and cultural facilities, in the Central Activities Zone, town centres, areas of regeneration or clusters of creative and cultural industries in the City Fringe, will be resisted.
- 8.11 The retention of the music studios is also supported by saved policy ST15 of the UDP (1998), which seeks to facilitate the expansion and diversification of the local economy by encouraging a wide range of economic activities at suitable locations and the availability of a skilled local labour force.
- 8.12 Policy CP11 of the Interim Planning Guidance (2007) seeks to protect sites allocated for employment uses. Of particular relevance is criteria c), which states that the Council will seek to retain other employment sites where there is current or future demand for them as an employment use, particularly where they form a cluster of similar, supporting uses.

8.13 Policy 3B.8 of the London Plan (Consolidated with Alterations since 2004) recognises that the creative industries are a core part of London's economy. The preamble states that the key creative industries in London include design, publishing, music, fashion, new media, film and broadcasting. It is also recognised that creative enterprises often group together in networks that provide modes of communication, knowledge exchange, business support and learning, but often lack organisational and administrative structures for sustainable growth. They also provide opportunities for reducing overheads through shared resources, and small and medium enterprises (SMEs) and sole traders are heavily represented. The preamble adds that the factors that influence clusters include the availability of low cost workspace. The policy itself states that DPD policies should identify and support the development of clusters of creative industries and related activities and environments, and existing clusters should be protected.

Land Use Analysis

8.14 From the applicant's supporting statement detailed above at paragraphs 4.4 to 4.8, it is evident that the expansion of the London Islamic School and the associated Cultural Centre, together with the community services that will be intensified by virtue of the expansion is in line with a number of policies within the Unitary Development Plan, Interim Planning Guidance and the London Plan.

8.15 The owner of the music studio complex (Jamestown Studios), has submitted a number of documents in support of their retention. In summary, the owner, Mr K Brainard, states the following:

- Jamestown Studios is internationally renowned and has attracted and nurtured a number of globally successful artists
- The existing building was originally purpose built for industrial usage, therefore ideally suited for recording studio usage
- There are no comparable music studio facilities within the Borough. The Richmix Centre, which was previously suggested by Members as an alternative destination for users of Jamestown, has only 1 recording studio, which is not available for commercial hire. Jamestown has 23 studios (OFFICER COMMENT: This has been verified by Council investigations within the previous application ref/ PA/06/01403)
- Jamestown Studios is currently engaged with London Metropolitan University and Tower Hamlets 6th Form Schools to establish partnerships
- Mr Brainard has submitted a report detailing the usage of Jamestown Studios within the month of May 2008. The list is comprised of musicians, composers, producers, recording engineers and DJs. The studios were directly hired by 48 people, who in turn worked with another 189 people within the studios, which equates a total of 237 people using the studios within May 2008. As such, the closure of Jamestown Studios would prevent over 200 people a month from finding affordable premises, which would almost certainly not be within the Borough
- Of the 48 musicians who directly hired the Music Studios in the month of May 2008, 15 were residents of Tower Hamlets
- Jamestown Studios allows musicians of different cultures and ethnic backgrounds to interact and collaborate. A list of the ethnic groups and nationalities of the users of the studios in May 2008 has also been supplied. This includes North American, Asian, African, Afro-Caribbean and European
- Mr Brainard has also submitted a report produced by the Department for Culture, Media and Sport (DCMS), entitled 'Creative Economy Programme' and dated February 2008, which highlights that Britain's creative industries are increasingly vital, with two million being employed within the sector which contribute £60 billion a year, or 7.3% of the British economy. The DCMS also highlight that the creative sector has grown at twice the rate of the economy of the economy as a whole in the last decade

In addition, an independent feasibility study undertaken by Tarn & Tarn has been submitted by Mr Brainard, which details that relocation of the music studio complex is likely to take

approximately 8 months, at a cost of £600,000. This is assuming a rent-free period during the fit-out.

- 8.16 From the information submitted by Mr Brainard and from the content of the representations received by the Council, it is evident that substantial demand exists for the music studio complex, which is the only facility of its type in the Borough. The loss of Jamestown Studios would have a demonstrable impact upon the creative industry cluster which it is evidently a key part of.
- 8.17 The London Islamic School and associated Cultural Centre provide numerous educational and community benefits, and it is acknowledged that the expansion of this facility would increase these. However, this would be to the detriment of an established creative industry cluster which relies upon the presence of the music studio complex, and would result in the loss of the numerous specialist employment opportunities for individuals and businesses within the Borough and beyond.

Land Use Conclusions

- 8.18 It is recognised that there is policy support for the retention of the music studio facilities and also the proposed expansion of the school and associated Cultural Centre. As such, it is necessary to weigh the benefits of each case. Such an approach accords with the general approach to making a planning decision in which competing factors must be weighed against each other. An approach which treats these policies as providing guidelines as opposed to rigid criteria sits more comfortably within the wider policy matrix in which the decision has to be taken.
- 8.19 The proposed change of use would result in the extinction of such recording studio usage in the Borough. However, the school and cultural centre would still exist if this permission were not granted, albeit in a smaller form. Overall, the permanent loss of this established creative industry cluster would reduce the mixed-use character of Tower Hamlets and its economic diversity by eradicating a use that is not found elsewhere in the Borough. This is contrary to central government's sustainable community policies. Alternatively, the refusal of this proposal would not result in the loss of the school and cultural centre, only a limit of its size. The retention of the music studios would therefore allow these two important uses to continue to exist and benefit their respective users. Furthermore, it is considered that the two uses are capable of co-existing in the same building.
- 8.20 In light of the above, it is evident that there is a strong local need for the music studio complex and the building at 18-22 Damien Street remains capable of remaining in such use. Furthermore, no suitable replacement of these facilities, or an alternative site, has been identified. As such the proposal would result in the loss of a valuable and significant music studio facility and is therefore contrary to saved policy ART2 of the Unitary Development Plan (1998) which seeks to resist the loss of arts and entertainment facilities.
- 8.21 From the above representations and land use analysis, it has been demonstrated that the music studio complex forms part of a creative industry cluster consisting of numerous individuals and businesses both within the Borough and the London region, upon which the loss of the studios would have a demonstrable effect. The loss of the music studios would therefore be contrary to policy CP12 of the Interim Planning Guidance (2007) and policy 3B.8 of the London Plan (Consolidated with Alterations since 2004), which seek to protect, identify and support creative industries and related industries and environments.
- 8.22 Further to the above, the negative impact upon the creative industry cluster would result in the loss of numerous specialist employment opportunities within the Borough, such as musicians, composers, producers, technicians, music teachers/tutors, web programmers and sound engineers, who all rely on the presence of the music studios to support their career in this creative industry. As such, the proposal is contrary to saved policy ST15 of the Unitary

Development Plan (1998) which seeks to facilitate the expansion and diversification of the local economy by encouraging a range of economic activities, and policy CP11(c) of the Interim Planning Guidance (2007) which seeks to retain employment sites where there is a current or future demand for them as an employment use, particularly where they form a cluster of similar supporting uses.

Employment

- 8.23 Both the applicant and the owner of the music studio complex have submitted information with regard to the employment generated by the proposed change of use of the music studios to educational facilities. Within the submitted Employment Statement, the applicant's agent details that the school presently employs 13 full time staff including one self employed member, and 14 part time staff. The additional space created by the proposal is envisaged to create 13 additional full time posts, consisting of a mixture of skilled and qualified teachers and technicians, as well as management and staffing posts. Jamestown Music Studios employs 4 full-time and 6 part-time members of staff.
- 8.24 The Council have assessed the submitted employment information alongside the submitted London Islamic School accounts report (dated 31 March 2007), and have found a number of discrepancies, namely:
- The submitted accounts are for the seven months ended 31 March 2007 and are un-audited
 - The Charity Commission website details that the accounts for Esha'atul Islam for 2006 and 2007 are overdue
 - The owner of Jamestown studios has provided the Council with a copy of a letter from the Charity Commission dated 13 June 2007, which states that the income of the London Islamic School has not been declared within the Esha'atul Islam accounts
 - The National Insurance contributions detailed within the accounts are seemingly low; an employers contribution is 12.8% of wages in excess of £100 a week, which on a minimum wage would accrue to approximately £700 per employee per annum. For 27 employees on minimum wage, this would equate to £18,900 per annum. However, the submitted accounts detail that only £3,860 was paid for the year ending 2006
- 8.25 Within a letter from the applicant's agent dated 23rd June 2008, it is detailed that: "13 staff work full time defined as over 20 hours a week including one self-employed person with gross wages and re-numeration paid totalling £135,983 based upon their monthly rates paid at present (times twelve). This gives an average full time gross salary of £10,460.30". The applicant's agent also details that the average wage of the part-time members of staff totals £5,447.00 per annum, and that the current academic year fees 2008-09 are £1,900 per pupil, and with 118 pupils presently in attendance, pupil donations of £229,000 are expected. However, without any audited accounts, these figures cannot be verified.
- 8.26 In light of the above, it is considered that the submitted existing and proposed employment figures cannot be given weight in determining this application. It is unclear whether the figures are incorrect, whether staff are being paid below the minimum wage, or the declared number of staff is exaggerated. Notwithstanding this, it is evident that the employment benefits generated by the music studio complex, both directly and indirectly, exceed that of the application proposal, and there will be demonstrable harm caused to numerous specialist employment opportunities within the Borough. As such, it is not considered that employment benefits claimed by the applicant could support a reason for approving this application.

Amenity & Safety

- 8.27 The Council's Environmental Health department, upon consultation, stated that they have received complaints with regard to noise disturbance from the Mosque at 18-22 Damien Street since July 2007. Nevertheless, with the attachment of appropriate noise attenuation conditions, it is not considered that the proposed use of the second floor would exacerbate

amenity problems significantly. As such, it is not considered that an objection on the grounds of existing or potential loss of amenity to users or adjacent/nearby residential occupiers could be substantiated in this instance.

Highways

- 8.28 A number of letters of objection have been received with regard to the existing parking and traffic related problems created by the school and Cultural Centre, and how the proposal would exacerbate these. Such issues are controlled by the existing measures exercised by the Council's Parking Services department. It is also considered that the Council's ability to attach a condition requiring the applicant to enter into a s106 car-free agreement preventing any employees of the facility from applying for an on-street parking permit would address the concerns expressed by surrounding residents. As such, it is considered that a refusal of permission on these grounds would be difficult to substantiate.

Conclusions

- 8.29 All other relevant policies and considerations have been taken into account. Planning permission should be refused for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

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Agenda Item 7

Committee: Strategic Development	Date: 9 October 2008	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Michael Kiely		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application, you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all reports in this part of the agenda.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
 - the Tower Hamlets Unitary Development Plan (UDP) 1998 as saved September 2007
 - the London Plan February 2008 (consolidated with alterations since 2004)
- 3.2 Other material policy documents include the Council's Community Plan, Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, saved UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (AS SAVED) is the statutory development plan for the borough (along with the London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan and its more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 7.1

Committee: Strategic Development	Date: 9 th October 2008	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Jason Traves		Ref No: PA/08/1161	
		Ward(s): Bromley by Bow	

1. APPLICATION DETAILS

Location: St Andrews Hospital, Devas Street, E3 3NT

Existing Use:

Proposal:

Outline application for demolition of the existing hospital buildings and construction of a development up to 27 storeys high building plus basement (Block D), 18 Storeys high building (Block E) and between 4 – 13 storeys high buildings (Blocks A – C) to provide 964 dwellings (97 x studios, 300 x 1bed, 278 x 2 bed, 248 x 3 bed, 27 x 4bed, 14 x 5bed); up to 303sqm of shopping, food and drink or professional services floorspace (Use Classes A1,A2, A3 and A4), up to 897sqm of community, health, education and cultural uses floorspace (Use Class D1) and/or assembly and leisure uses (Class D2); and a 2004sqm Primary Care Trust (PCT) facility (Class D1), together with the provision of open space, landscaping, parking and ancillary works.

The application has been submitted as a hybrid, concurrently with the detailed application PA/08/1162 for phase 1 (Block A).

Drawing Nos:

526-07: 000 P1; 001 P1; 002 P1; 003 P1; 004 P1; 005 P1; 006 P1; 007 P1; 008 P1; 009 P1; 010 P1; 011 P1; 012 P1; 013 P1; 014 P1; 015 P1; 017 P1; 020 P1; 099 P1; 100 P1; 101 P1; 102 P1; 103 P1; 104 P1; 105 P1; 106 P1; 107 P1; 108 P1; 109 P1; 110 P1; 111 P1; 112 P1; 113-115 P1; 116-126 P1; 127 P1; 128 P1; 201 P1; 202 P1; 203 P1; 204 P1; 900 P1; 901 P1

7620 SC-100 P3

No. 13 x plans of the existing St Andrews hospital (Greenhatch Group)

No.1 x survey plan (Greenhatch Group)

Planning Statement

Design and Access Statement

Environmental Statement

Shadow Analysis

Transport Assessment

Framework Travel Plan

Safety Audit Report – Site Access, St Andrews Hospital Development

Statement of Community Involvement

Applicant:

London Development Agency and Barrat Homes (East London)

Owner: London Development Agency
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, as well as the London Plan and Government Planning Policy Guidance and has found that:

- (a) The proposed land use is in accordance with the Interim Planning Guidance Proposals Map in proposing a scheme comprising of residential units (Class C3), a healthcare facility (Class D1), as well as the provision of over 1ha of open space. As such, the proposal is in line with the Leaside Area Action Plan and draft Bromley-by-Bow masterplan Policy CP19, which encourages redevelopment of the site for housing, a PCT facility and public open space contribution.
- (b) The scheme is considered to be an appropriate scale and shows no symptoms of overdevelopment. As such, the scheme is within the capacity of the site and area and in accordance with the guidance on density, pursuant to Policies 3A.3 'Maximising the Potential of Sites' of The London Plan, Policies CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the LBTH Interim Planning Guidance (2007), which seek to ensure that development is sustainable and in an appropriate location.
- (c) The scheme provides in excess of the total required amenity space, including the provision of 1ha of publicly accessible open space. Therefore, the proposal addresses the space needs of future occupiers, pursuant to policy CP25 'Housing Amenity Space' of the LBTH Interim Planning Guidance (2007).
- (d) The scheme provides for 50.1% affordable housing with a 69:31 split between the social rent and shared ownership tenures. The scheme also provides 30% family housing. This accords with the requirement of schemes to cater for housing need pursuant to Policies CP22 'Affordable Housing', 3A.7 'Affordable Housing Targets', CP21 'Dwelling Mix and Type' of the LBTH Interim Planning Guidance (2007).
- (e) The design is considered to be high quality. As such, the scheme complies with LBTH Policy DEV1 'Design Requirements' and CP4 'Good Design' which require development to be sensitive to the area and that buildings and spaces should be high quality, attractive, safe and well integrated.
- (f) The scheme satisfies the criteria for the consideration of tall buildings because it is:
 - Appropriately located, in a highly accessible location;
 - Located to minimise amenity impacts on neighbours, such as overshadowing, loss of light and microclimate impacts;
 - Of a scale that does not harm to the character and appearance of the adjacent area, including the setting of the Three Mills Conservation Area;
 - Proposing high quality and safe public spaces;
 - Proposing a series of buildings that will assist in establishing and improving the residential character of the Bromley-by-Bow area; and
 - Will act as a catalyst for regeneration in the area.

Therefore, the proposal accords with London Plan Policies Policy 4B.1 'Design

Principles for a Compact City', Policy 4B.10 'Large-Scale Buildings – Design and Impact' and Policy 4B.9 'Tall Buildings – Location' as well as DEV27 'Tall Buildings Assessment' of the LBTH Interim Planning Guidance which requires schemes, amongst other criteria, to enhance the public realm, respect local context / character, be attractive to look at and act as a "*catalyst*" for regeneration. Moreover, it complies with Council Policy CP48 'Tall Buildings' and CABA / English Heritage 'Guidance on Tall Buildings' in this respect.

- (g) The scheme provides for the amenity of future occupiers. As such, the scheme is in accordance with Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3 which seek to ensure a high quality environment and the amenity of future occupiers.
- (h) The scheme provides for the amenity of future occupiers in making adequate provision to mitigate against noise and vibration impacts through the building design. Therefore the scheme is in accordance with Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3 which seek to ensure a high quality environment and the amenity of future occupiers.
- (i) The scheme has taken into consideration the relationship with neighbours and any potential impact posed. There is no significant overshadowing, microclimate effects, privacy, outlook or overlooking impacts. In terms of loss of light, only three habitable rooms are moderately affected by this development. This is not deemed, on balance, to outweigh the benefits this scheme will bring for the area, sufficient to justify a reason for refusal. Therefore, the scheme has appropriately addressed its relationship and impact with neighbours, in accordance with Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3 which seek to ensure the amenity of the adjacent area is protected.
- (j) The scheme would have no significant transport impact on the area. Furthermore, the access, servicing, car parking, bicycle parking and car club arrangements for the development are acceptable. Therefore the scheme accords with Policies PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan (Consolidated 2008), Policies ST25, ST28, ST30, of the adopted UDP 1998 and Policies CP1 'Creating Sustainable Communities, CP41 'Integrating Development with Transport' CP43 'Better Public Transport', DEV16 'Walking and Cycling Routes and Facilities' of the LBTH Interim Planning Guidance 2007. These policies seek to ensure the scheme adequately provides for the transport needs of the future development as well as considering potential impacts on the surrounding area.
- (k) Measures incorporated into the scheme, including green roofs, a Combined Heat and Power (CHP) system, and bio-fuel boiler have satisfactorily addressed the policy requirement to reduce carbon dioxide emissions as well as providing renewable energy. The scheme therefore accords with Policies CP3 'Sustainable Environment', CP38 'Energy Efficiency and Production of Renewable Energy', DEV5 'Sustainable Design', DEV6 'Renewable Energy' of the LBTH Interim Planning Guidance 2007 as well as Policies 4A.4 'Energy Assessment', '4A.6 Decentralised Energy: Heating,

Cooling and Power', 4A.7 'Renewable Energy' of the London Plan (Consolidated 2008). These policies seek to tackle climate change, by reducing the reliance on non-renewable energy resources, reduce pollution, thereby making schemes more energy efficient and sustainable.

- (l) The scheme provides s106 planning contributions package of £5,465,538 to mitigate impacts on transport and education as well as improving connectivity. The contributions are appropriate and satisfy the tests of the Circular 05/2005 on contributions. It is noted that the contributions are in addition to the £4,636,475 PCT facility that will be delivered as part of the scheme. This equates to £10,102,013.00 of investment in the development and regeneration of the area.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

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

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

- a) A proportion of **50.1%** based on habitable rooms of the proposed units to be provided as affordable housing with a 69:31 split between social rent and shared ownership tenures;
- b) Provide **£3,500,000.00** towards the upgrade to Bromley-by-Bow station upgrade and connectivity improvements;
- c) Provide **£1,715,538.00** towards education to mitigate the demand of the additional population on education facilities;
- d) Provide **£250,000.00** towards highway improvement works; and
- e) Provide for car club, car-free agreement, Travel Plan, TV reception monitoring and impact mitigation, and employment/training initiatives.

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions [and informatives] on the planning permission to secure the following matters:

Conditions

- 1) Time limit for full planning permission
- 2) Phasing plan to be agreed
- 3) Full details of the appearance of the scheme are required.
- 4) Details of the following are required:
 - Materials board and drawings of scale 1:5
 - Balcony details with typical drawings and sections of scale 1:5
 - Detailed design of pedestrian link through ground floor of Block D with typical drawings and sections of scale 1:5
- 5) A Landscape management plan is required.
- 6) Parking provision for:
 - Maximum 151 car parking spaces;
 - Minimum 10% spaces for people with a disability;
 - Minimum 1 accessible space for the PCT facility;
 - Minimum 716 cycle spaces; and
 - Minimum 40 motorcycle spaces;should be provided

- 7) Final delivery/servicing strategy to be agreed
- 8) Detailed design of undercroft parking is required
- 9) Car free agreement is required
- 10) S278 agreement is required
- 11) Full details of waste and recycling facilities
- 12) Full details of green roofs
- 13) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 14) Piling hours of operation limits (10am – 4pm Mon-Fri)
- 15) Wheel cleaning facility during construction
- 16) 20% renewables required.
- 17) Full particulars of renewable and efficiency details
- 18) Full particulars of the fitout of the healthcare facility required
- 19) Final BREEAM healthcare assessment
- 20) Final Code for Sustainable Homes assessment
- 21) Lifetime homes standards and 10% wheelchair accessible housing
- 22) Full land contamination study and remediation measures [as required by the Environment Agency (EA)]
- 23) Full particulars of clean fill
- 24) Full particulars of wind mitigation measures
- 25) Full particulars of noise mitigation measures
- 26) Full particulars of air quality mitigation measures
- 27) Full particulars of mechanical ventilation and ductwork
- 28) Full particulars of BRE and shadow assessment
- 29) Further modelling and full particulars of air pollution mitigation measures
- 30) Full particulars of the surface water drainage system as required by EA
- 31) Details of storage of oils, fuels and chemicals as required by EA
- 32) Program of archaeology as required by English Heritage
- 33) Water impact study as required by Thames Water (TW)
- 34) Drainage strategy as required by TW
- 35) Black Redstart survey required
- 36) Bat study required
- 37) Construction Management plan is required
- 38) Mgt plan for community/leisure/recreation uses
- 39) All residential C3 flats to have a component of private amenity space
- 40) Any additional conditions as directed by the Corporate Director Development and Renewal

Informatives

- 1) Legal agreement
- 2) Phasing plan to include details of hoardings, security measures
- 3) For landscaping condition consult ecology section and Natural England to ensure nectar rich varieties included in scheme
- 4) For green roof design consult Natural England and ecology section
- 5) Consult Thames water in respect drainage impact study, drainage strategy and connection to the sewer as well as any other issues or approvals that may be required
- 6) Consult Metropolitan Police
- 7) Consult PCT and metropolitan police in respect of the healthcare facility fitout
- 8) Renewable energy systems to be explored in future phases of the scheme
- 9) S278
- 10) Car free grampion
- 11) Consult EA
- 12) EA to be consulted to establish if separate approval is required in respect of the use of clean fill.
- 13) Consult LFEPA in respect of infrastructure for fire fighting purposes
- 14) Consult EH archaeology

- 15) Submit info in a detailed project design to address potential damage to remains
- 16) Consult GLA in respect of waste strategy and acoustic measures
- 17) Note that undercroft parking is not given full permission and needs to come forward as part of reserved matters
- 18) Consult GLA and TFL in respect of the deliver/servicing mgt plan

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The outline application for the entire 3.01Ha St Andrews site is for consideration of 'access', 'landscaping', 'layout' and 'scale'. 'Appearance' is a reserved matter. The application is a hybrid, being submitted concurrently with the detailed application for phase 1 (Block A). For details of the phase 1 application, see the separate report for PA/08/1162.
- 4.2 The application is for demolition of the existing hospital buildings and construction of a development up to 27 storeys in height plus basement (Block D), 18 storeys high (Block E) and between 4 – 13 storeys high (Blocks A – C), to provide;
 - 964 dwellings (97 x studios, 300 x 1bed, 278 x 2 bed, 248 x 3 bed, 27 x 4bed, 14 x 4bed);
 - Up to 303sqm of shopping, food and drink and professional services (Use Classes A1,A2, A3 and A4);
 - Up to 897sqm of community, health, education and cultural uses (Use Class D1) and/or assembly and leisure uses (Class D2);
 - A 2004sqm Primary Care Trust (PCT) facility (Class D1), and
 - The provision of open space, landscaping, parking and ancillary works.
- 4.3 The outline application proposes 5 development zones identified as Blocks A, B, C, D, and E.
- 4.4 Blocks A, B, and C are located along Devas Street, from the intersection with Devons Road in the west through to the A12 road system in the east. Buildings A, B and C take the form of perimeter blocks, each enclosing a central communal courtyard. In addition, a public forecourt space of 375sqm will be situated to the north of Block A, adjacent to the PCT facility. Blocks A, B and C range in height from 4 to 13 storeys. The ground floors and upper storeys of these Blocks are residential other than the following exceptions:
 - The PCT facility, which is in the northern end of Block A, at the ground and first floor levels;
 - 1 commercial unit at in the south western corner of the ground floor of Block A; and
 - 1 community facility unit in the south eastern corner of the ground floor of Block C
- 4.5 Block D is located in the north eastern corner of the site. It comprises of two elements. A 27 Storey tower element is sited immediately adjacent the northern boundary and Bromely-by-Bow Underground station. A lower building element of 9 storeys runs north to south and is adjacent the A12 to the east. This block is residential with the exception of 2 commercial units and 1 community facility unit on the ground floor. In addition, a key component of the ground floor arrangement is a pedestrian thoroughfare that will link the site with Bromley-by-Bow Underground station.
- 4.6 Block E is located in the north west corner of the site, adjacent to Devons Road to the west and London Underground track to the north. The building is a tower with a maximum height of 18 storeys. The ground floor comprises of a further PCT facility and 1 community facility

unit. The upper floors are residential dwellings. To the south of the block is to be Reeves Square. This 233sqm area, will serve as a forecourt for the building and its ground floor uses. It will also provide a link into Reeves Park.

- 4.7 In addition to the communal courtyards in blocks A, B and C, public open space is provided between the courtyard blocks. Nelson's Walk is created between Blocks A and B and Truman Walk is between Blocks B and C. These public spaces will be landscaped and each will include a component of children's playspace.
- 4.8 There are also 2 principle public open spaces provided in this scheme. St Andrews Gardens will be sited in the south eastern edge of the site, bounded by Devas Street, the A12 and Blocks C and D. The 3377sqm space will include a component children's playspace, in particular a sports pitch. The park is part of the link through to Bromley-by-Bow Underground station.
- 4.9 Reeves Park is an elongated open space which runs along the northern boundary of the application site. The 2009sqm park will extend from Block D in the east, to Block E in the west. The landscaping plan for the park shows the retention of a line of mature trees along the northern boundary. They will provide buffer to the London Underground track. Within the park is a public art opportunity. A medicinal herb garden is proposed with the planting set out in the shape of the hospital building footprint.
- 4.10 A total of 151 parking spaces will be provided on site, representing a ratio to the number of flats of 0.15:1. Beneath Block D and St Andrews Gardens is the proposed undercroft parking area. It will accommodate approximately 146 cars. Additional parking will be provided around the access roads. 10% of parking will be for people with a disability, including an accessible space for the PCT facility.
- 4.11 Vehicular access is provided from Devon's Road to the west. The access point is proposed between Blocks A and D.
- 4.12 The key aspects of the outline scheme are as follows:
- The provision of 3,284.4sqm of non-residential floorspace is predicted to generate 3 retail jobs (phase 1), 12 full time jobs in the remaining outline scheme, and 16 general practitioner jobs in the PCT facility;
 - 61,997.3sqm of residential (C3) floorspace with dwelling sizes ranging between studios and 5 bedroom accommodation;
 - Affordable housing provision which equates to 50.1% of total habitable rooms;
 - Residential design that achieves level 3 Code for Sustainable Homes Criteria as well as 10% wheelchair housing;
 - Incorporation of energy efficient and sustainable measures into the scheme to reduce carbon emission by 20%;
 - A total of 13,173sqm of communal/public amenity space comprising:
 - 2571sqm of communal amenity space in the courtyards of Blocks A, B and C
 - 7058sqm of public amenity space in St Andrews Gardens, Reeves Park, Nelson's Walk and Truman Walk;
 - 3544sqm public amenity space elsewhere through the development;
 - Within public and communal spaces is a total of 1010sqm of defined children's play space;
 - The provision of up to 151 car parking spaces, 10% of which are spaces for people with a disability;
 - Provision of 40 motorcycle spaces;
 - The provision of approximately 716 bicycle stands. This represents 0.72 spaces per unit.
- 4.13 It should be noted that the detailed application for Block A (Phase1) is being presented separately for consideration. See report PA/08/1162 for full details of phase 1.

Floorspace Summary

4.14 Amended floor area schedules have been provided and are summarised in the table below.

Table: Floorspace (sqm)

Block A	Residential C3	12,418.0
	PCT facility	2,004.0
	A1/A2/A4	80.0
Block B	Residential C3	15,927.4
Block C	Residential C3	14,880.9
	D1/D2	192.0
Block D	Residential C3	12,444.1
	D1/D2	501.8
	A1/A2/A3/A4	210.6
Block E	Residential C3	6,326.9
	D1/D2	296.0
Total Res. C3		61,997.3
Total non-Res.		3,284.4
Grand Total		65,281

Regeneration Benefits

4.15 The scheme provides the following benefits, including:

- The provision of a series of publicly accessible open spaces;
- 50.1% affordable housing, a level which is unprecedented in any recent planning application considered by LBTH;
- Provision of a £4,636,475 PCT facility;
- Improved permeability and connectivity through the site which is further reinforced by section 106 planning contributions for upgrading of and links to the Bromley-by-Bow station (£3.5m) and local highway improvements (£250k);
- A planning contribution to education facilities (£1,715,538);
- A built form that addresses the street, contributes positively to establishing an urban grain for the site and area, improves connectivity, permeability and links;
- Energy efficiency, renewable and sustainability measures within the development to reduce its energy demand.

Site and Surroundings

4.16 The application site was formerly used as St Andrews hospital. The hospital was constructed in 1969 and was originally the Stepney Sick Asylum. The site is all but demolished. The agent advises that the original building comprised of eight separate blocks which were later added to in the 1930s and post 1945. All that remains are the central tower, a line of trees along the northern boundary, as well as a series of relatively modern buildings in the south east of the site.

4.17 To the north, the site is bordered by London Underground track. Bromley-by-Bow tube station is adjacent the site and serves the District line and Hammersmith and City Lines. Beyond this is the Devons and Bow Bridge estates.

4.18 To the south are residential flats in the Coventry Cross estate, as well as Marners Primary School.

4.19 In relation to the primary school, it is noted that planning permission was granted on 14 August 2008 for a three storey extension on the western elevation of the school (LBTH Ref.

PA/08/1258). The additional 1497sqm floorspace includes six classrooms. The school also benefits from planning permission granted 14 August 2008 for a nursery school extension of 155sqm (LBTH Ref. PA/08/1299).

- 4.20 The east of the site is bordered by the A12 and the interchange for Devas Street. Further afield is a mix of commercial and residential sites. Further still in the Borough of Newham, is the Three Mills Conservation area which and waterways associated with the Thames Blue Ribbon Network.
- 4.21 To the west is a public park, bordered by the residential properties on Reeves Road and Devon's Road. To the west, adjoining the London Underground track, are allotment gardens. Further along Devas Street is Devon's Road DLR station.
- 4.22 The LBTH Leaside Area Action Plan and the Mayors Lower Lea Valley Opportunity Area Planning Framework identify this as an area for change, indicating the need for a masterplan to bring forth change in a coordinated and systematic way. As a consequence, the draft Bromley-by-Bow Masterplan area has been prepared. It has been subject to public consultation and is pending further work and progression towards adoption as an SPG. The objectives include:
- Addressing the physical barrier of the A12,
 - Developing a connected/legible/cohesive neighbourhood,
 - Enhancing the public realm,
 - Enhancing the mix of uses and enhancing a positive identity for the area.
- 4.23 Key elements of the masterplan include access improvements to Bromley-by-Bow station, a new PCT facility, as well as a new public open space on the St Andrews site.

Planning History

- 4.24 The following planning decisions are relevant to the application:
- 4.25 PA/02/669; PA/02/1815 Outline application for the demolition of all of the existing buildings except the clock tower block and the erection of 10 new blocks across the site between 21 - 45m in height. These were proposed to be used as 782 new residential flats, 2000 sqm of Class A1/A2/A3/B1/D1 and D2 accommodation, of which at least 1000 sqm should be for a primary health care facility (Class D1), 2000 sqm of public open space and a new pedestrian link to Bromley by Bow underground station. Also, 190 car and 64 secure cycle parking spaces were proposed. The Development Committee resolved to grant permission on 14th May 2003.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

Unitary Development Plan 1998 (as saved September 2007)

Proposals:		Partially within a flood protection area
Policies:	ST23	Housing
	ST25	Housing
	ST35	Shopping
	ST37	Open Space, Leisure and Recreation
	ST49	Social and Community Facilities
	ST50	Social and Community Facilities
	DEV1	Design Requirements

DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV8	Protection of Local Views
DEV12	Provision of Landscaping in Development
DEV15	Retention and Replacement of Mature Trees
DEV50	Noise
DEV51	Soil Tests
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV69	Efficient Use of Water
EMP1	Encouraging New Employment Uses
EMP6	Employing Local People
EMP10	Development Elsewhere in the Borough
HSG7	Dwelling Mix and Type
HSG15	Preservation of Residential Character
HSG16	Housing Amenity Space
T1	Improvements and Extension to the Underground
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrian Needs in New Development

Interim Planning Guidance for the purposes of Development Control

Proposals:	LS8	St Andrews Hospital
Core Strategies:	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP14	Combining Employment and Residential Use
	CP19	New Housing Provision
	CP20	Sustainable residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP25	Housing Amenity Space
	CP27	High Quality Social and Community Facilities to Support Growth
	CP30	Improving the Quality and Quantity of Open Spaces
	CP31	Biodiversity
	CP35	Lee Valley Regional Park
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Transport and Development
	CP46	Accessible and Inclusive Environments
	CP48	Tall Buildings
	CP49	Historic Environment
	CP50	Important Views
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage

DEV9	Sustainable Construction Materials
DEV10	Disturbance and Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routed and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity for Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE2	Redevelopment/Change of Use of Employment Sites
RT3	Shopping Provision Outside of Town Centres
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provisions in Individual Private Residential and Mixed-Use Schemes
HSG4	Varying the Ratio of Social Rented to Intermediate Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating the Provision of Affordable Housing
SCF1	Social and Community Facilities
CON2	Conservation Areas
CON4	Archaeology and Ancient Monuments

Supplementary Planning Guidance/Documents

Designing Out Crime Pts 1 and 2 (2002)
Sound Insulation (1998)
Archaeology and Development (1998)
Residential Space (1998)
Landscaping Requirements (1998)

Spatial Development Strategy for Greater London (London Plan)

2A.1	Sustainability Criteria
2A.5	Opportunity Areas
2A.6	Areas for Intensification
2A.9	The suburbs: supporting sustainable communities
3A.1	Increasing London's Supply of Housing
3A.3	Maximising the Potential of Sites
3A.5	Housing Choice
3A.6	Quality of New Housing Provision
3A.7	Large Residential Developments
3A.8	Definition of Affordable Housing
3A.17	Addressing the Needs of London's Diverse Population
3A.18	Protection and Enhancement of Social Infrastructure and Community Facilities
3A.21	Locations for Health Care
3A.23	Health Impacts
3A.28	Social and Economic Impact Assessments

3B.3	Mixed Use Development
3C.1	Integrating Transport and Development
3C.2	Matching Development to transport Capacity
3D.13	Children and Young People's Play and Informal Recreation Strategies
3D.14	Biodiversity and Nature Conservation
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy: Heating, Cooling and Power
4A.7	Renewable Energy
4A.11	Living Roofs and Walls
4A.13	Flood Risk Management
4A.14	Sustainable Drainage
4A.17	Water Quality
4A.19	Improving Air Quality
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.6	Respect Local Context and Communities
4B.9	Tall Buildings – location
4B.10	Large-scale Buildings – Design and Impact

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG24	Planning and Noise

Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2 The following were consulted regarding the application:

LBTH Ecology

- 6.3 Considers that the ES has covered all the relevant issues and consulted with the appropriate authorities. The officer is satisfied that the scheme will not result in a net loss of biodiversity on site. Rather, there will be a net gain following the completion of the development. Living and green roofs should be included where possible. There may be potential impact to Black Redstarts. The use of nectar rich plants in the planting scheme will provide a food source for

birds. A bat survey is recommended in the Environmental Statement (ES) and should be completed.

(Officer comment: The scheme includes the provision of green roofs as part of the scheme. An appropriately worded condition requiring a landscaping plan and an informative for the ecologist to be consulted, will ensure planting includes nectar producing varieties. In respect of Black Redstarts, the species was not identified on site at the time of the survey. Nevertheless, an appropriately worded condition is recommended for the mitigation measures during the construction phase in accordance with the ES. An appropriately worded condition is also recommended for a bat survey to be completed, it being noted that no bats were identified in the 2km radius assessment area of the ES.)

LBTH Education

- 6.4 No objection is raised to the scheme and a planning contribution of £1,715,538 (based on 139 additional primary schools places at £12,342 per place) is requested to mitigate the impact of the scheme on education facilities.

(Officer comment: The full planning contribution has been sought and agreed by the applicant.)

LBTH Energy Efficiency Unit

- 6.5 Overall, the energy strategy is acceptable and the following appropriately worded conditions are recommended to address the requirement for further detailed information:
- Full particulars of the energy efficiency measure prior to commencement;
 - The final Code for Sustainable Homes assessment to be approved prior to occupation of the residential units;
 - The final BREEAM assessment and full particulars of the efficiency measures, passive design features and low/zero carbon technologies shall be approved prior to the occupation of the PCT facility.

(Officer comment: Appropriately worded conditions of approval are recommended if approval is granted)

LBTH Environment Health

Contaminated land

- 6.6 The scheme is acceptable and a standard contamination condition is recommended. A further condition is also recommended in respect of the use of clean fill imported onto the site for reprofiling ground levels.

(Officer comment: Appropriately worded conditions for both applications are recommended if approval is granted.)

Daylight and Sunlight

- 6.7 A total of only 3 habitable rooms of two neighbouring properties (Stansted House and 144 Devons Road) will suffer a loss of light. However, an assessment of the impact to these rooms in terms of the Building Research Establishment (BRE) Average Daylight Factor (ADF) test indicates that the level of impact is tolerable:
- Two bedroom windows of Standard house achieves an ADF of 0.89% and the pass rate for bedrooms is 1%; and
 - 1 living room window of 144 Devons Road achieves an ADF of 0.8% and the pass rate for living rooms is 1.5%.

As such, this is not considered to be a reason for refusal.

(Officer comment: This matter is not considered sufficient to warrant a refusal when balanced

with the regeneration benefits of the scheme.)

Microclimate

- 6.8 The effect of wind on and around the proposal is acceptable. An appropriately worded condition is recommended for further testing and implementation of wind mitigation measures at the detailed application stage.

(Officer comment: An appropriately worded condition is recommended if the scheme is approved.)

Noise and vibration

- 6.9 There is no vibration impact posed, whilst the noise impact is created by the surrounding roads. In particular, the effect of the A12 was considered. The Impact on Block D is tolerable. An appropriate condition is therefore recommended for further testing to ensure it is satisfactory at the detailed application stage.

(Officer comment: An appropriately worded condition is recommended if the scheme is approved.)

Air quality

- 6.10 The air quality of the surrounding area is tolerable. An appropriately worded condition is recommended for further testing and to obtain full particulars of mitigation measures at the detailed application stage.

(Officer comment: The appropriately worded condition is recommended if the application is approved.)

LBTH Highways

- 6.11 Matters relating to traffic generation, access parking, public transport, walking and cycling have been adequately considered in the Environmental Statement (ES), Transport Assessment (TA). A draft waste and servicing/delivery plan has also been considered. The scheme is recommended for approval, subject to appropriately worded conditions to secure cycle parking, parking for people with a disability, as well as a final delivery/servicing plan.

(Officer comment. A full summary of the issues pertaining to the assessment of transport matters is provided in section 8 of this report. The suggested conditions are recommended if the application is approved.)

LBTH Parks and Open Spaces

- 6.12 No comments received

LBTH Waste Management

- 6.13 Satisfied with the draft waste management strategy, vehicular access and kerbside collection for the scheme.

(Officer comment: An appropriately worded condition is recommended for the final waste management plan to be agreed prior to commencement.)

LBTH Youth and Community Services

- 6.14 No comments received

British Broadcasting Corporation (BBC)

- 6.15 No comments received

British Waterways

- 6.16
- Synergies between the Coventry Cross site to the south-east and the St Andrews site as well as improvements to the Bromley-by-Bow Station and waterways could result

in wider regeneration

- The scheme provides opportunity for better connections to and improvement of waterways. A planning obligation for waterways should be included.

(Officer comment: The priorities for development of the St Andrews site were:

- A contribution to the upgrade to Bromley-by-Bow station;
- Provision of PCT facility;
- A education contribution;
- Local highway improvements;
- Securing public open space on site;
- Affordable housing

Consequently, there is not additional money available to secure a contribution for waterways. Furthermore, improvements to the waterways are not identified as priorities for the St Andrews site in the masterplan.)

Commission for Architecture & Built Environment (CABE)

- 6.17
- Generally supportive of the scheme and welcome the three perimeter blocks
 - However, not convinced about the quality and distribution of the open space and the quality of the residential tower;
 - Consider the scheme is overdevelopment;
 - Question the success of Reeves Park, due to it's width and the lack of a buffer to the railway land to the north;
 - Not convinced about the level of amenity achieved by pocket parks for them to be considered as contributing to open space provision;
 - Overshadowing is regarded as a problem, especially to Reeves Park and the communal courtyards. They consider a reduction in density would address this concern, but will leave it to LBTH to ensure that adequate daylight is achieved;
 - The perimeter blocks, including the multiple cores, varying heights/rhythm and roofscape work well;
 - A convincing case has been made for a tall building adjacent to Bromley-by-Bow station, but not for the tall building (Block E) to the west because of its relationship to Reeves Square and Reeves Park;
 - Pleased that the scheme takes into account Bromley-by-Bow Station and encourages LBTH to consider this as part of the wider regeneration of the area;
 - Further consideration of the access route to the station should be considered as well as microclimate impacts on it.

(Officer comment:

- The variety of open space provision across the site is considered to be acceptable in terms of its quantum (see section 8 of this report) and in terms of its detailed design. The final particulars of hard/soft landscaping and features will be controlled by an appropriately worded condition to ensure a high quality outcome
- With specific reference to Reeves Park, at its narrowest point it is 14m wide. As such, it is not considered that a reason for refusal could be sustained on such grounds. It is noted that landscaping has been given extensive consideration, involving the use of case study examples to inform the design process to achieve a successful design. Moreover, the relationship of the railway land to the north and a buffer has been explored. A row of mature trees is retained and integrated in to the landscaping plan which will assist in providing a landscaped buffer. This is considered to adequately address this concern. It will enhance the setting Reeves Park and the outlook of the adjacent residential flats;
- The relationship of the western tower with Reeves Square and Park has been considered and deemed acceptable. No overshadowing or significant microclimate impacts are posed by the tower on public spaces. In addition, the Council's Design and Conservation team have advised that they consider the western tower has met the Council and Mayor's tall buildings policy. It is noted that the detailed design and appearance of the tower is a reserved matter and will be secured by condition to

- achieve a high quality outcome;
- In respect of Bromley-by-Bow station, its upgrade is a central consideration of the LBTH Masterplan. The application includes a planning contribution of £3.5m for upgrade and connectivity improvements for the station. This represents the full contribution requested by TFL for the station;
- Whilst future applications for the detailed design of buildings B – E will enable further consideration of overshadowing, illustrative material received indicates that overshadowing is acceptable against BRE criteria. In addition, the overshadowing of Reeves Park is transient, not permanent. Therefore, it is considered acceptable;
- The design treatment and amenity of the link between the station and the site has been the subject of extensive pre-application discussions, including representatives from the Council's Design and Conservation Team. The detailed design of this link is a reserved matter and will be controlled by a planning condition to ensure a high quality outcome.)

Docklands Light Rail

6.18 No comments received

English Heritage (Statutory)

- 6.19
- Scoping opinion previously highlighted the desirability of retaining the central building of the hospital;
 - It is noted that the scheme incorporates art works which reference the hospital to ensure it is remembered. However, the best reminder would be the retention of the tower; and
 - Question the relevance of the tower element adjacent to the Blackwell Tunnel Northern Approach.

(Officer comment:

- The discussion of demolition under 'Landuse' in section 8 addresses the acceptability of the loss of the hospital buildings and their unsuitability for reuse; and
- It is considered that the tall elements have been adequately considered against the tall buildings policy, as well as the CABE/EH guidance. A summary is provided in section 8 under 'Design'.)

English Heritage (Archaeology)

6.20 Appropriately worded conditions are recommended to secure a program of archaeological work and to complete a more thorough recording and analysis of historic buildings.

(Officer comment: The conditions are recommended if the application is approved.)

Environment Agency (Statutory)

6.21 No objection is raised to the scheme having considered the Environmental Statement as well as further information pertaining to surface water drainage in a revised Flood Risk Assessment (FRA). The following conditions are recommended:

- Full particulars of the surface drainage system;
- Full particulars of storage for oils, fuels and chemicals; and
- Full particulars of site investigation and remediation.

(Officer comment: The conditions are recommended if the application is approved.)

Government Office for London (Statutory)

6.22 No comments received.

Greater London Authority (Statutory)

6.23 Design

- Development massing, architecture and materials are broadly supported;
- East/west orientation of courtyards allows for good sunlight into communal spaces;

- Towers supported in respect of London Plan Policy;
- Density is higher than the specified range. However, because of the high Public Transport Accessibility Level (PTAL), this is considered acceptable as the London plan promotes schemes that maximise intensity;
- All dwellings have private open space;
- A public art strategy is included as part of the open space design development.

Housing

- An affordable housing toolkit would be needed by the Mayor to consider a scheme where less than 50% affordable housing is achieved;
- The affordable housing split between the social rent and shared ownership tenures is in line with London Plan Policy;
- The different tenures and dwelling sizes are scattered through the development and will stimulate social cohesion;
- All affordable housing dwellings meet or exceed the LBTH space standards;
- In respect of playspace, the scheme is considered to accord with the Mayor's SPG;
- The open space strategy and the variety of landscape spaces proposed are supported;

Sustainable Development

- Further calculations for energy efficient measures need to be provided;
- The CHP and biomass boilers should provide energy to the whole development;
- Synergies with neighbouring developments should be explored for the CHP;
- A feasibility study for the most appropriate size of CHP should be undertaken;
- Further justification is needed to demonstrate the boiler can reduce carbon dioxide emissions by 20%;
- The use of biofuel needs to be further supported in terms of supplier details and an air quality assessment;
- Further energy systems, such as photovoltaics, needs to be explored;

Waste

- No waste strategy has been included;

Noise and Vibration

- Noise impact from the A12 on block D raise some concerns;
- Consideration of the proposed layout and mitigation measures, such as glazing and passive ventilation systems, are needed to address the impact of road noise on Block D;

Air quality

- Overall, there does not appear to be a significant impact to air quality;

TFL

- Provided the following matters are addressed, in particular the s106 contributions, the scheme will comply with Policy;
- Junction modelling indicates a likely impact to the local network. Therefore, a further reduction in car parking or car free development in line with Policy 3C.23 is recommended;
- Recommends cycle parking should be increased to at least 1 space per dwelling
- Clarification is needed about the cycle parking provision for the PCT facility;
- Recommends a £3.5million contribution towards the estimated £17.5m upgrade of Bromley-by-Bow station. This is necessary to accommodate the additional demand;
- Recommends a £200k contribution to the DLR;
- Recommends a contribution towards the upgrading bus stops within 400m which would be capped at £400 per bus stop;
- Welcomes the applicant's commitment to a travel plan;
- Appropriate servicing facilities should be provided on site. It is noted that the indicative vehicle route to the A12 would be in direct conflict with pedestrian movements on this part of the network. Also, an indicative vehicle exit route at the eastbound bus stop on Devas Street is shown and is not acceptable;
- A delivery service plan is necessary;

Conclusion

- The proposed 964 homes are welcomed in this location, but further information is needed to demonstrate they are high quality;
- Design: The detailed scheme needs to be high quality;
- Energy: Further information is needed;
- Waste: No waste strategy is provided;
- Noise: The impact of road noise on Block D is a concern;
- Air quality: concern about the data used to assess this and the impact to new residents;
- Transport: generally accords to policy subject to recommendations including s106 contributions;
- Possible remedies to the above issues are as follows:
 - Housing: submit a affordable housing toolkit;
 - Design: demonstrate that the new housing is high quality;
 - Energy: provide further information;
 - Waste: a strategy should be submitted;
 - Noise: separate the sensitive development from the A12;
 - Air quality: further modelling is needed;
 - Transport: further discussion take place with the GLA and TFL.

(Officer comment:

- The applicant has submitted the further information requested and this has been forwarded to the GLA. However, no response has been received from the GLA to date.
- Some key points in terms of the assessment by LBTH are noted as follows:
 - An Informative for renewable energy systems to be provided in the future phases of the scheme is recommended if the application is approved;
- A draft waste strategy was submitted and agreed by the LBTH waste team. A final strategy will be secured by condition;
- Noise impacts of Block D will be tolerable subject to securing mitigation measures such as improved glazing by an appropriately worded conditions);
- Regarding TFL comments for car parking, the provision is in line with LBTH policy. Furthermore, a car free agreement is required by a condition. Therefore, the impact on the local road system is not considered significant in the opinion of the LBTH Highways team;
- The full contribution for the Bromley-by-Bow station has been secured;
- A draft delivery/serving plan has been submitted and considered acceptable by the LBTH Highways team. A condition is recommended to secure its final details.)

Lea Valley Regional Park Authority

6.24 No comments received

London Borough of Newham

6.25 Advice that the borough has considered the scheme and have no observations to make.

(Officer comment: Notwithstanding the above comment, the impact to the setting of the Three Mills conservation area has been considered within the Townscape and Visual impact assessment of the Environmental Statement. No significant impact was identified.)

London City Airport

6.26 No safeguarding objection is raised to the proposal.

London Fire & Emergency Planning Authority (Statutory)

6.27 The Authority raise no objection to the scheme and recommend a condition for full particulars of water supply for fire fighting purposes to be agreed.

(Officer comment: This matter is not a planning consideration. It will be dealt with as part of the approval under the building regulations. An appropriately worded informative is recommended for LFEPA to be consulted.)

London Thames Gateway Development Corporation

6.28 No comments received

Metropolitan Police

- 6.29
- Happy that the development is being built in the spirit of secured by design principles; and
 - Request that the PCT building achieve fitout to Secured by Design Certification.

(Officer comment: An appropriately worded informative is recommended so the Metropolitan Police are consulted on the detailed design of elevations, landscaping and amenity spaces, entrances, boundary treatments. An appropriately worded condition is recommended requiring details of the fitout of the PCT facility.

National Air Traffic Control Services

6.30 No objection to the proposal.

Natural England (Statutory)

- 6.31
- Overall, happy that the ecological issues have been handled effectively;
 - An ecological management plan should be submitted in addition or as part of the landscape strategy, and should cover:
 - principles to encourage biodiversity;
 - specific ecological enhancements;
 - maintenance scheme;
 - green roof design,
 - sensitive lighting scheme.

(Officer comment: The recommendations of Natural England are incorporated into the condition requiring a landscape plan. An appropriately worded informative is recommended for Natural England to be consulted.)

National Grid

6.32 NG consider that the risk to electricity and gas networks is negligible.

Network Rail

6.33 No comments received.

Olympic Delivery Authority (ODA)

6.34 The Authority advise that they have no comment to make on the proposals.

Poplar Harca Limited

6.35 No comments received.

Thames Water

- 6.36
- Developer is responsible for providing adequate drainage;
 - Surface waters to be attenuated;
 - Removal of groundwater is not permitted;
 - Prior approval from Thames Water is needed for connection to the sewer;
 - No works should take place within 3 metres of sewers without approval from Thames Water;
 - Petrol and Oil interceptors are recommended in car parking;
 - A drainage strategy shall be agreed prior to commencement;
 - Recommends the installation of a fat trap from all catering establishments;

- An impact study on the existing water supply infrastructure is required prior to commencement;
- Network reinforcement will be required as determined by the water modelling impact assessment;
- Points of connection to the sewer are to be agreed;
- Surface water retention should be applied so there is no increased peak flow compared to the historic situation.

(Officer comment: Appropriately worded conditions are recommended for a drainage strategy and impact study to be agreed prior to commencement.)

Tower Hamlets Primary Care Trust

- 6.37 Following negotiations, the PCT advised at the pre-application stage that a HUDU contribution would not be sought for this scheme.

(Officer comment: The PCT informally confirmed that negotiations for the shell and core PCT provision on site, instead of a HUDU contribution was acceptable. See section 8 for further consideration of healthcare contributions).

Transport for London (Statutory)

- 6.38 See GLA comments.

7. LOCAL REPRESENTATION

- 7.1 A total of 990 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. [The application has also been publicised in East End Life and on site.] The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 11 Objecting: 11 Supporting: Nil
 No of petitions received: 01 containing 310 signatories

- 7.2 No local groups/societies made representations.

- 7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Landuse

- Overdevelopment;
- Unacceptable strain on local resources (schools, doctors, public transport, utilities) caused by this development;
- Concerns about the precedent set by this development for other sites, including underutilised industrial sites in the area;
- Sets a precedent for development along the A12 heading to the Olympics site.

Housing

- Quality of the housing proposed is unacceptable;
- The level affordable housing is insufficient;
- Concern about the impact that market housing and new residents will have on the community in this area;

Design and Access

- The height and visual impact of the towers is unacceptable;

- Design quality and visual impact of the scheme is unacceptable;
- The scheme affects the character of Devas Street;
- Relationship with the area, in terms of bulk and height is unacceptable;
- The replacement buildings need to be high quality to compensate for the loss of the St Andrews Hospital;
- Detrimental impact to the 3 Mills area and its conservation and waterway values;
- Proximity of towers to the Three Mills Conservation Area is acceptable;

Amenity

- The scheme does not incorporate enough open space including children's playspace and sport facilities;
- Loss of light, in particular to Denbury House and Maltings Close;
- Loss of privacy, in particular to Denbury House;
- Loss of skyline;
- Nuisance (unspecified) to residential neighbours;

Transport

- Bromley-by-Bow underground station is currently overused;
- Width of the pavements of Devas Street is insufficient;
- Traffic impact in terms of congestion and parking;

Planning contributions

- Investment in the public transport system is needed to cope with the increased demand;
- Interference with television and telephone reception;

Other

- The community uses proposed including health, education, youth and cultural facilities are not sufficient in size to cater for families in the local area;
- Insufficient detail provided in respect of the community, health, education and cultural facilities, their accessibility and the benefit they would provide to local residents;
- Terrorism concerns because of the location of a 27 storey building adjacent to the London Underground Station and its proximity to the Olympics site;
- Problems with antisocial behaviour associated with public house and bar uses;
- Concern about consultation and that residents views have been ignored;

7.4 The following issues were raised in representations, but are not material to the determination of the application:

Negative comments:

- Problems (unspecified) with residential towers when they are not properly maintained;
- The current proposal is very different to the previous scheme for the site;
- Reduction in property values as a consequence of the development;
- Loss of views;
- High rise buildings, as proposed here, will not raise the profile of East London.
- Anti-social behaviour associated with public house/bar uses.

Positive/neutral:

- It is considered that an attractive scheme has been put forward;
- Request to be re-housed, as their current accommodation does not cater for the current family needs;
- A request for local residents to be given priority in allocations for affordable housing and businesses in the development.

7.5 The following procedural issues were raised in representations, and are addressed below:

- Proper public consultation has not taken place

8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Housing
- Design and Access
- Amenity
- Transport
- Environmental Statement
- Planning contributions
- Other

Land Use

Demolition

8.2 The site is almost completely demolished. Whilst English Heritage has objected to the loss of the hospital buildings making particular reference to the clock tower, it should be noted that consent is not required for demolition. The former hospital buildings were not listed and the site does not fall within a conservation area. As such, consent is not required for such development.

8.3 Nevertheless, demolition is justified for the following reasons:

- The existing building stock was not suitable for conversion having regard to current building regulations;
- The spread of and reuse of the building stock would have compromised the ability to deliver other aspects of the scheme (E.g. the 1ha of open space);
- The new scheme's positive contribution in respect to design quality, sustainability and regeneration benefits.

8.4 Moreover, the principle of the replacement of the existing buildings was established by the previous consent for redevelopment, PA/02/1815 on 14 May 2003.

8.5 Overall, the demolition of the existing buildings is considered acceptable.

Mixed-use

8.6 In respect of objections for the redevelopment of this site and the precedent it may set for future development in this area along the A12, Mayoral and LBTH planning guidance promotes a residential-led, mixed use redevelopment of the former St Andrews Hospital site. The Mayor's Lower Lea Valley Opportunity Area Planning Framework (January 2007) identifies the site as a potential new housing area. Within the LBTH Leaside Area Action Plan, the St Andrews in site allocation 'LS8' indicates redevelopment for residential (Class C3), health care (Class D1) and public open space usage. This is reinforced in the draft Bromley-by-Bow masterplan.

8.7 The application provides the mix of uses specified. As such, it is considered acceptable.

8.8 In respect of comments by objectors, the proposed development is not considered to set an undesirable precedent for development of industrial sites in the area.

Loss of the hospital facility

- 8.9 In respect of the loss of the St Andrews hospital facility, it is noted that health services have been consolidated into Newham General Hospital as the St Andrews site has gradually fallen vacant. Moreover, the mixed use scheme incorporates a £4.65m healthcare facility, catering for up to 20,000 existing and future residents. This type of facility is much needed in the area. Furthermore, Tower Hamlets Primary Care Trust was consulted and raised no objection to the loss of St Andrews. They support the reprovision of the healthcare facility.

Community/recreation uses

- 8.10 The application includes a new 296sqm community/health in Block E and 501.8sqm recreation facility on the ground floor of future Block D, as indicated in the outline application.
- 8.11 In respect of the neighbour objection about the size and level of detail relating to the facilities, it should be noted that the operation, management and maintenance of these venues are not a planning consideration. The only basis on which a condition is recommended is to require a management plan is to ensure the operation does not impact on residential amenity of residents in terms of nuisance, noise and general disturbance.

Employment

- 8.12 Policy EMP1 'Encouraging New Employment Uses' of the adopted UDP 1998 promotes employment growth that meets the needs of local people. Whilst EMP 2 'Retaining Existing Employment Uses' opposes the loss of employment floorspace, it allows exceptions where quality buildings and a reasonable density of jobs will result.
- 8.13 The scheme proposes a reduction of employment floorspace of the hospital to 3,284.4sqm including commercial, community, health and leisure uses. Whilst a reduction in employment floor area is evident, it should be noted that, the hospital use has ceased and the site vacant. As such, the site attracts no jobs at present.
- 8.14 In consideration of Policies EMP1 and 2, the following jobs will be created by the proposal:
- 1660 construction jobs over the entire construction period for the outline application, of which (This includes 322 jobs are attributable to phase 1);
 - Up to 16 general practitioner jobs in the healthcare facility of phase 1; and
 - Up to 12 full-time jobs associated with the non-residential uses proposed by the outline scheme overall (This includes 3 jobs in retail use of phase 1)
- 8.15 Further, in respect of Policy EMP 2, the scheme is considered to create high quality buildings.
- 8.16 Therefore, the loss of floorspace is considered justified, pursuant to Policies EMP1 and EMP2 of the adopted UDP 1998, since it provides a reasonable level of jobs and high quality buildings.
- 8.17 The scheme is also consistent with EMP 6 'Employing Local People' of the adopted UDP 1998, and CP1 'Creating Sustainable Communities', and CP15 'Provision of a Range of Shops and Services' of the Interim Planning Guidance which amongst other things, seek to encourage a range of job opportunities, that are supportive of the local community and economy.

Density

- 8.18 Objections were received in respect of overdevelopment of the site and excessive density.

- 8.19 Policies 3A.3 'Maximising the Potential of Sites' of The London Plan, Policies CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the LBTH Interim Planning Guidance (2007) promote maximising the intensity and efficient use of sites.
- 8.20 The site has a Public Transport Accessibility Level (PTAL) 5. The LBTH Policy team consider the site to be in an 'urban zone'. The density provisions are as follows:
- London Plan: 200-700 habitable rooms per Hectare (urban zone)
 - Interim Guidance: 450-700 habitable rooms per Hectare (urban)
- 8.21 The outline scheme is equivalent to 959 habitable rooms per hectare. Nevertheless, the scheme is considered appropriate and shows none of the characteristics that are typically associated with an overdevelopment such as:
- Loss of privacy and overlooking;
 - Increased sense of enclosure;
 - Loss of light;
 - Small room sizes;
 - Poor mix of units; and
 - Lack of amenity space.
- 8.22 Furthermore, planning obligations, including for the Bromley-by-Bow station upgrade, education and highway improvements, as well as public open space and PCT facility provision on site, help mitigate the impacts of the scheme.
- 8.23 This addresses the LBTH Policy team's advice that the scheme should demonstrate it can be accommodated on site without significant impact.
- 8.24 The scheme is also delivers the following regeneration benefits:
- The provision of a series of publicly accessible open spaces;
 - 50.1% affordable housing, a level which is unprecedented in any recent planning application considered by LBTH;
 - Provision of a £4,636,475 PCT facility;
 - Improved permeability and connectivity through the site which is further reinforced by section 106 planning contributions for upgrading of and links to the Bromley by Bow station (£3.5m) and local highway improvements (£250k);
 - A planning contribution to education facilities (£1,715,538);
 - A built form that addresses the street, contributes positively to establishing an urban grain for the site and area, improves connectivity, permeability and links; and
 - Energy efficiency, renewable and sustainability measures within the development to improve its sustainability and reduce its energy demand.
- 8.25 Maximising the efficient use of sites is further reinforced by Interim Planning Guidance Policy CP20 'Sustainable Residential Density' which states:
- "The council will resist any proposed housing development that results in an inefficient use or under-development of a site."*
- 8.26 Overall, the density is acceptable and accords with Policy 3A.3 of the London Plan (Consolidated 2008) and CP20 and HSG1 of the LBTH Interim Guidance which seek to maximise the development potential of sites in an efficient and sustainable way.

Housing

- 8.27 Objections were received in respect of the level of affordable housing as well as the impact of new private dwellings on the existing community.

8.28 The outline application proposes 964 residential (Class C3) units with the following mix:

Units <i>(Habitable rooms)</i>	Market Sale	Social Rent	Shared Ownership
Studios	97 <i>(97)</i>	0 <i>(0)</i>	0 <i>(0)</i>
1 Bedroom flat	165 <i>(330)</i>	39 <i>(78)</i>	96 <i>(192)</i>
2 Bedroom flat	153 <i>(459)</i>	64 <i>(192)</i>	61 <i>(183)</i>
3 bedroom flat	139 <i>(556)</i>	95 <i>(475)</i>	14 <i>(70)</i>
4 Bedroom flat	0 <i>(0)</i>	27 <i>(162)</i>	0 <i>(0)</i>
5 Bedroom flat	0 <i>(0)</i>	14 <i>(98)</i>	0 <i>(0)</i>
Total Units	554 <i>(1442)</i>	239 <i>(1005)</i>	171 <i>(445)</i>
Total Affordable Units		410	410 <i>(1450)</i>

Affordable Housing

- 8.29 Objections have also been received raising concern that affordable housing provision is not sufficient in the proposal. Also, the impact of additional market housing on the local community has been raised as a concern.
- 8.30 Based habitable rooms, Policy CP22 'Affordable Housing' of the LBTH IPG requires 35% affordable housing provision whilst the London Plan target is for 50%. The outline scheme provides 50.1% across the site. Therefore, the application exceeds the Council's requirements and accords with the London Plan.
- 8.31 Policy HSG10, 'Calculating Provision of Affordable Housing' requires that the disparity between habitable room (the primary indicator) and floorspace is only 5%. The outline application proposes 45.6% based on floor area and is therefore in accordance with the policy.
- 8.32 The affordable housing provision is further split into social rented and shared ownership tenures. A split of 80:20 is required pursuant to Policy HSG 4 'Loss of Housing' in the LBTH interim Planning Guidance, whilst The London Plan 2004 indicates a region wide requirement of 70:30 split, pursuant to Policy 3A.7 'Affordable Housing Targets'. Both the LBTH Interim Planning Guidance and London Plan allow this ratio to vary in instances where greater than 50% affordable housing is achieved. The outline scheme proposes a split of 69:31 which is acceptable given the scheme achieves 50.1% affordable housing.

Family Housing

- 8.33 CP21 'Dwelling Mix and Type' of the LBTH Interim Planning Guidance 2008 requires family housing in all tenures. The requirement of 30% family sized housing is based on the following requirement in each tenure:

- Social rent – 45%
- Intermediate - 25%
- Market - 25%

8.34 Additionally, Policy HSG 2 ‘Location of New Housing’ and Table DC.1 set out the appropriate mix of units in the social rent tenure.

8.35 The table below provides a comparison with policy and the family housing achieved across the borough.

Table: Family housing provision comparison

Tenure	% Policy	% Outline PA/08/1161	% Annual Monitoring 2006/7
Social-rented	45	57	17.5
Intermediate (Shared ownership)	25	8	2.5
Market	25	25	4
Total	30	30	7

8.36 The provision of family sized units is in line with policy aspirations and exceeds what was achieved across the borough as published in the LBTH Annual Monitoring Report 2006-7. Therefore, the scheme is a positive step towards LBTH achieving key housing targets and better catering for housing need.

Wheelchair Housing and Lifetime Homes

8.37 Policy HSG9 ‘Density of Family Housing’ of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards and for 10% of housing to be wheelchair accessible or “*easily adaptable*”. All units will meet Lifetime Homes standards with 10% of these being wheel chair accessible. This requirement will be secured by an appropriately worded condition.

Code for Sustainable Homes

8.38 Pursuant to Policies DEV2 and DEV69 of the LBTH UDP 1998 and CP3, DEV5 and DEV6 of the LBTH IPG housing should meet a minimum sustainability target of Level 3. The scheme achieves Code Level 3 and has an aspiration to achieve Code Level 4. This requirement will be secured by an appropriately worded condition.

Internal Space Standards

8.39 Pursuant to the Residential Space SPG, all C3 units across in the outline scheme (Blocks A – E) achieve the minimum total floorspace standards.

8.40 Overall, the tenure, mix and quality of housing proposed are considered appropriate and high quality. It will contribute to borough housing targets, will cater for need and assist in achieving balanced and mixed communities in the area. It addresses the concerns raised by objectors of the amount of affordable housing being proposed and the possible effects

of private housing on the balance of the community.

Amenity Space

- 8.41 Objections have also been received in respect of the amount of open space and play space being provided by the scheme.
- 8.42 The London Plan (2008) defines ‘open space’ as “*all land in London that is predominantly undeveloped. This definition covers a broad range of types of open spaces within London, whether in public or private ownership and whether public access is unrestricted, limited or restricted*”.
- 8.43 ‘Open space’ is defined in the LBTH Interim Planning Guidance as “*...a broad range of open space types within the borough, whether in public or private ownership and whether public access is unrestricted, partially restricted or restricted. Open space includes , but is not limited to, green spaces such as...amenity space, children’s play areas, and hard surface spaces such as playgrounds, squares or piazzas.*”
- 8.44 ‘Amenity space’ which is considered with ‘open space’, is defined as “*an area within the cartilage of a residential development that is used for recreation, e.g. gardens or landscaped space. This includes both ‘private’ and ‘communal’ amenity space.*”
- 8.45 Whilst Policy CP30 of the LBTH Interim Planning Guidance seeks a standard of 1.2 hectares open space per 1000 population, the Leaside AAP, site designation L8 requires redevelopment of St Andrews to include a component of open space of 1Ha or as per the masterplan, whichever is the greater. The Bromley-by-Bow Masterplan does not specify the size although, it indicates the following qualitative requirements:

“A new public open space is required on the Community Spine enclosed by the new health centre, Marner School [to the south of the application site] and new residential development. Through its scale and design this park has the potential to help form the future identity of Bromley-by-Bow. As such, it should be designed to take high levels of football, through the use of high quality hard and soft landscaping and be inviting to all residents in the area. Children’s play facilities and plentiful seating and quality lighting should also be provided.”

- 8.46 The following tables set out the required private, communal and play space requirements of the LBTH UDP and IPG.

Table: Residential Space SPG 1998 requirements

Tenure	Proposed	SPG Requirement	Total (m ²)
Family Units	289	50sqm of private space per family unit	14,450
Non-family units	675	50sqm plus an additional 5sqm per 5 non-family units;	725
Child Bed spaces	318	3sq.m playspace per child bed space	954
Total			16,139

Table: Amenity Space per HSG7, LBTH Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
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Studio	98	6	588
1 Bed	285	6	1710
2 Bed	245	10	2450
3 Bed	225	10	2250
4 Bed	27	10	270
5 Bed	0	10	0
TOTAL	880		7268
Ground Floor Units			
Studio	1	25	25
1 Bed	15	25	375
2 Bed	31	25	775
3 Bed	23	50	1150
4 Bed	0	50	0
5 Bed	14	50	700
Total	84		3025
Grand Total 964			
Communal amenity	50sqm for the first 10 units, plus a further 5sqm for every additional 5 units		1004
Total Housing Amenity Space Requirement			11,297

- 8.47 The application proposes the following amenity space provision for the entire site is as follows:
- **2571sqm** of communal amenity space in form of courtyards comprising Block A (609sqm), Block B (976sqm) and Block C (986sqm);
 - **7058sqm** of public amenity space comprising of St Andrews Gardens (3377sqm), Reeves Park (2009sqm), Nelson's Walk between Blocks A and B (525sqm), Truman Walk between blocks B and C (539sqm), Block A health centre forecourt (375sqm), and Block E dental/community centre forecourt (233sqm);
 - **3544sqm** amenity space provision adjacent Devons Road, Devas Street as well as Blocks D and E;
 - Within these spaces is **1010sqm** of defined children's play space within the above totals, comprising of St Andrews Gardens (446sqm), Reeves Park (160sqm), Block A courtyard (68sqm), Block B courtyard (98sqm), Block C Courtyard (99sqm), Nelson's Walk (60sqm), Truman Walk (79sqm).
- 8.48 The total amenity space provision is **13,173sqm (1.3Ha)**. In addition, future applications for development zones (blocks) B to E will be required to provide private amenity space for each flat. This will be controlled by a planning condition.
- 8.49 The total public open space provision, whilst being less than the UDP requirement, exceeds the amount required by the Leaside Area Action Plan and Interim Planning Guidance. It should also be noted that the detailed design of the spaces, including St Andrews Park and Reeves Square, address the qualitative criteria of the Bromley-by-Bow Masterplan. The detailed design will be secured by a planning condition. It is noted that the private open space shown for Block A, as well as the future scheme in the case of blocks B – E, will mean the total amenity space provided also exceeds the adopted UDP requirement. It is therefore considered acceptable as it meets the needs of future occupiers.

Design and Access

- 8.50 Pursuant to The London Plan (Consolidated 2008), Policy 4B.1 'Design Principles for a Compact City' requires schemes, amongst other criteria, to create/enhance the public realm, respect local context/character and be attractive to look at. Policy 4B.9 'Tall Buildings – Location' outlines related Plan policies and considerations for the siting of tall buildings which includes tall buildings as a “catalyst” for regeneration. Policy 4B.10 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations including context, attractiveness and quality. CABE and English Heritage Guidance on tall buildings as previously discussed in section 6, also informs the consideration of tall buildings.
- 8.51 In consideration of the LBTH UDP 1998, Policy DEV1 'Design Requirements' indicates development should be sensitive to the area and the capabilities of the site. Consideration of street frontages, as well as providing for safety and security should also be considered. Within the Interim Planning Guidance Policy CP4 'Good Design' states that buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 'Tall Buildings' confirms that tall buildings can be considered anywhere when accompanied by the appropriate justification. They should contribute to a high quality, attractive environment, respond to context and contribute to vitality. These considerations amongst other matters also form part of the criteria of Policy Dev27 Tall Buildings Assessment of the LBTH Interim Planning Guidance.
- 8.52 Objections have been raised in respect of the towers in terms of their height and visual impact, impact on the Three Mills Conservation Area and waterway.
- 8.53 The 27 storey element (Block D), located adjacent to Bromley-by-Bow Station and A12, is considered well located and poses no amenity problems to neighbours. An appropriately worded condition for the detailed design of its external appearance, including materials, will secure a high quality, attractive scheme. This will enhance the area, as well as preserves the setting of the Three Mills Conservation Area to the north east, it being noted that the conservation area is considerably separated from the St Andrews site by the A12 as well as intervening development.
- 8.54 No significant impact is identified to long views which detailed in the Environmental Statement. Similarly, no significant impact is identified to the Blue Ribbon Network (Thames Waterway network) noting that the scheme is significantly separated from the waterside environment by intervening development. The tall building element is therefore considered to appropriately address the Mayors and LBTH policy and CABE/EH Guidance on Tall Buildings.
- 8.55 The 18 storey element (Block E) in the outline scheme is considered to be appropriately located against the London Underground track to the north and allotment gardens to the east. Although, the scheme will be visually prominent in bulk, size and scale terms, there are no listed building buildings in proximity and the site is not within or adjacent to a conservation area. Furthermore, there are no significant amenity impacts to neighbours to warrant a refusal of this scheme. A high quality and attractive scheme that will positively contribute to the street scene subject to a condition to ensure its satisfactory appearance and materials. This tall building element is considered to appropriately address the Mayors, LBTH and CABE/EH guidance on tall buildings.
- 8.56 Objections have also been receiving raising concern about the design quality and visual impact of the scheme. Others have argued that the scheme needs a high quality design to replace the attractive hospital buildings.
- 8.57 The illustrative material in the outline application proposes buildings that have a pleasing appearance and high quality finish. They will contribute positively to the varied architectural character and form of the area. The development will act as a potential catalyst for

regeneration envisaged in the Bromley-by-Bow Masterplan.

- 8.58 Objections were raised to the scheme's impact on the character of Devas Street, and its bulk and height relationships.
- 8.59 The building line of the perimeter Blocks A, B, and C are considered to be successful in addressing the street frontages of Devas Street and Devon's Road. The scheme also creates a series of publicly accessible streets on site. This will help establish the evolving residential character of the area, thereby contributing to a sense of place and identity for the area.
- 8.60 The streets and open spaces proposed will improve the permeability of the site and its linkages to the surrounding area. This benefit will be realised by existing residents of the surrounding area, as well as the future occupiers.
- 8.61 The series of high-quality and varied public open spaces and communal courtyards offer a range of spaces to cater for the passive, recreational and play needs of future users.
- 8.62 Active ground floor uses across the site plus residential C3 dwellings will enliven street frontages by contributing to round-the-clock activity. This positively enhances the safety and security of users and minimises any potential crime opportunities.
- 8.63 The creation of wider footpaths on Devon's Road and Devas Street will provide the following benefits:
- Improved visual amenity of the street scene in terms of openness;
 - Any possible negative effect posed by the differences in the bulk/height/scale of Block A, when compared with the dwellings on the western side of Devon's Road, will be minimised by the building separation achieved;
 - Improved pedestrian infrastructure; and
 - Cater for increased pedestrian flows anticipated with the scheme as a consequence of the improved connectivity to the Bromley-by-Bow Station.
- 8.64 The scheme successfully provides for the access and servicing needs of the development including refuse storage and collection, bicycle storage and parking for people with a disability and car club parking. The location of facilities and the level of provision are acceptable to the LBTH Highways, Strategic Transport and Waste teams. It is further considered that the intensity of development can be accommodated without a significant impact on the local road system, The site benefits from a Public Transport Accessibility Level (PTAL) 5.
- 8.65 Energy efficient and renewable measures have been incorporated into the scheme including green roofs, Combined Heat and Power (CHP) system and bio-fuel boilers. This means the proposal achieves the required carbon reduction percentage, as well as the percentage of energy to be generated by renewable means.
- 8.66 For the above reasons, the design is considered to be a thoughtful, high quality and a successful approach to redevelopment. The scheme has been extensively reviewed and influenced by officers as well as the Metropolitan Police Crime Prevention Officer and found to be acceptable. Specific attention has been paid to the amenity for neighbours and future occupiers as discussed in the next section. In addition, treatment of the public spaces and connectivity has been improved. As such, the scheme is supported as being a high quality and a successful design solution.

Amenity

Future Occupiers and Users

- 8.67 The consideration of amenity for future occupiers is identified in Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policy ST23 Housing of the adopted Unitary Development Plan 1998 and Policy CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3.
- 8.68 The level of amenity achieved for future occupiers of the development is considered acceptable for the following reasons:
- Floorspace schedules for residential flats in Blocks A – E achieve the minimum total floorspace standards in accordance with the LBTH Supplementary Guidance for Residential Space Standards. An appropriately worded condition will further ensure the detailed applications for blocks come forward with habitable rooms meeting the minimum floorspace criteria;
 - An appropriately worded condition will ensure the detailed applications for blocks come forward with private amenity space for all dwellings;
 - The LBTH Highways and Waste teams are satisfied that suitable access to and management of waste and recycling facilities has been made. The final details of the management of facilities will be secured by condition;
 - Car parking provision is in line with LBTH policy. Of the 151 spaces being provided, a minimum of 10% will be parking for people with a disability, to distributed across the site at readily convenient locations;
 - Car club parking spaces to serve the entire development will be located in the basement parking area under Block D. The provision will be secured as part of the s106 legal agreement;
 - Having regard for the Building Research Establishment (BRE) guidance, an appropriately worded condition will require full details of the full BRE assessment to be submitted as part of future applications for the blocks;
 - No significant privacy/overlooking impacts will be experienced through the development. Courtyard dimensions of blocks A, B and C achieve at least 18m window to window separation;
 - In instances where 18m separation is not achieved between blocks, generally at the northern and southern ends of Blocks A, B, and C, off-set windows in the future detailed design will acceptably address any potential privacy overlooking impact;
 - Ground floor private amenity spaces will be separated from public and communal spaces through a combination of hard and soft landscaping. The detailed design of these relationships is controlled through a condition requiring full particulars of landscaping;
 - No significant microclimate effects will be experienced on site. Public areas will achieve sufficient levels of comfort levels for their intended use. The Council's Environmental Health team recommend an appropriately worded condition to secure the mitigation measures recommended in the Environmental Statement. The measures required are screening and landscaping for the western entrance of block E, a canopy and screening for the southern façade and walkway of Block D, as well as screening and higher parapets for the roof terrace of Block E;
 - Any air quality impact posed by the surrounding area will be tolerable, subject to an appropriately worded condition for further sampling and subsequent installation of mitigation measures;
 - Noise and vibration impacts have been assessed. No significant impact is posed by either the railway track to the north. An appropriately worded condition is recommended for the inclusion for full details of the noise mitigation measures to address road noise, particularly from the A12;
 - There are no other impacts identified to future occupiers of the development. In respect of the future community and leisure facilities, an appropriately worded condition is recommended requiring a management plan to be agreed with LBTH prior to occupation. This will safeguard the amenity of residents from any

unreasonable nuisance and disturbance associated with the operation of these facilities.

Neighbour Impacts

- 8.69 The consideration of impacts to neighbours are addressed in policies 4B.10 of the Mayor's London Plan (consolidated 2008), DEV1 of the LBTH Interim Planning Guidance, and DEV2 of the LBTH Unitary Development Plan 1998. Objections were received raising concern for loss of light, privacy, and outlook.
- 8.70 The scheme is considered acceptable for the following reasons:
- There is no significant overshadowing and loss of light to adjacent properties other than two ground floor bedroom windows in Stanstead House to the south east along Devas Street. Also, one ground floor living room window at 144 Devons Road to the west of the site. The assessment has considered the Average Daylight Factor (ADF) test within the Building Research Establishment (BRE) good practice guide, 'Site Layout Planning for Daylight and Sunlight'. The two bedroom windows of Stanstead House achieve an ADF of 0.89% and the pass rate for bedrooms is 1%; and 1 living room window of 144 achieves an ADF of 0.8% and the pass rate for living rooms is 1.5%. The Environmental Health team have extensively scrutinized this aspect of the scheme and consider a this impacts not to be a reason for refusal. Furthermore, on balance, the benefits of the scheme are considered outweigh this issue;
 - There is no significant noise or general disturbance impacts to warrant refusal. Impacts during the construction phase will be mitigated by a condition requiring a Construction Management Plan. In the operational phase, the intended uses are compatible with the area and not considered to pose concern. It should be noted that a condition will require a management plan for the community and leisure facilities, further ensuring no impact upon the amenity of the area;
 - In respect of privacy/overlooking impacts, window-to-window separation of at least 18m is achieved to all neighbouring properties other than 16m to 144 Devon's Road. This relationship is not considered to pose a significant concern given that it is a relationship across a public street. Furthermore, the variable building setback of Block A means the 16m separation is only at a single pinch point at the northern end of the façade;
 - Whilst the scheme will pose some impact to outlook, it should be noted that the St Andrews hospital buildings would have limited the outlook of neighbours to some extent. Along Devon's Road for example, the 'existing' drawings indicate the hospital comprised of buildings of between 3-5 storeys. The additional scale and height of the proposed is considered positive, given the high quality design proposed;
 - No significant air quality impacts are posed. It is noted that a condition requiring a construction management plan will deal with air quality impacts at the construction phase. At the operational phase, the development including traffic generation will not contribute any significant effect upon air quality. An appropriate condition is recommended for full particulars of the emissions of the bio-mass boiler at the detailed design stage;
 - No significant traffic impacts posed to the local road system in the opinion of the LBTH Highways Team. They consider that the local road system is capable of accommodating the additional increase traffic generated;
 - To address potential parking impact in the local streets, future occupiers will be exempted from applying for parking permits. This restriction will be secured through the s106 planning obligations;
 - In respect of pedestrian impacts and safety, the building setbacks facilitate increased pavement widths in Devas Street and Devon's Road which will accommodate additional pedestrian activity. Also, s106 contributions for local highway improvements will benefit pedestrians in this area;
 - The associated benefits of the scheme in respect of improved connectivity,

permeability, open space provision, upgrade to the Bromley-by-Bow station, and introduction of a healthcare facility will be of a positive benefit to local residents.

8.71 Therefore, amenity for future occupiers and neighbours has been adequately addressed. On balance, the scheme is considered acceptable in this regard.

Transport

8.72 Transport provision and impact is considered in PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan (Consolidated 2008), Policies ST25, ST28, ST30, of the adopted UDP 1998 and Policies CP1 'Creating Sustainable Communities, CP41 'Integrating Development with Transport' CP43 'Better Public Transport', DEV16 'Walking and Cycling Routes and Facilities' of the LBTH Interim Planning Guidance 2007.

8.73 Objections have been received in respect of impact to the capacity of Bromley-by-Bow Station, traffic congestion, parking stress, congestion on pedestrian pavements, and the need to invest in transport infrastructure.

8.74 The Highways team have considered the outline and detailed applications and consider them to be acceptable for the following reasons:

- The level of car parking (151 spaces) is substantially lower than the 0.5 maximum threshold of the LBTH Interim Planning guidance;
- 10% of the spaces will be for people with a disability;
- The site access from Devon's Road is acceptable having regard to the Highways Safety Audit submitted in support of the scheme;
- Adequate pedestrian visibility splays are achieved on either side of the vehicular access on Devon's Road;
- The refuse storage and servicing arrangements are considered acceptable. The turning arrangement enables vehicles to leave the site in a forward direction and is considered acceptable, posing no significant safety impact given the low frequency of this occurring;
- The general servicing arrangements from the site have been considered in a draft plan and are acceptable;
- In respect of pedestrian movement, the scheme will improve connectivity to Bromley-by-Bow Station
- Trip generation and junction capacity has been modelled to consider the impacts of the scheme on the local road system. It is considered that the local highway system is able to accommodate the increased traffic generation and queue lengths without significant detriment to traffic movements;
- In respect of demand for buses and Docklands Light Rail (DLR) services, it is considered that both have sufficient capacity to accommodate the proposed increase in passenger trips during peak hour;
- In respect of demand for London Underground services from Bromley-by-Bow station, there is capacity to accommodate the peak hour demand posed by the scheme. However, the cumulative effect of all the anticipated development in the Bromley-by-Bow masterplan area is justification for each development to contribute towards the upgrade of the station;
- The applications are supported by a green travel plan which encourages sustainable transport modes;
- The variety, location, quantity, appearance and security of the bicycle storage in the detailed application is acceptable and will be conditioned in the outline application;

8.75 The Highways team also recommend a s278 agreement for highway improvements.

8.76 Overall, the scheme adequately caters for the transport access and infrastructure

requirements for future users. No significant impacts are posed to the local highway network in terms of safety, traffic generation, and parking stress. Therefore the scheme is acceptable and recommended for support in this regard.

Environmental Statement

- 8.77 The application was supported by an Environmental Statement (ES) which considered matters including:
- accessibility,
 - sustainability,
 - site prep and construction,
 - traffic and transportation,
 - Socio-economics,
 - archaeology and built heritage
 - microclimate,
 - daylight/sunlight/overshadowing/light spillage/solar glare,
 - ground conditions,
 - water resources/drainage/flood risk,
 - Air quality,
 - noise/vibration,
 - electronic interference,
 - Aviation,
 - ecology,
 - townscape and visual impact,
 - cumulative impact,
 - residual impacts
- 8.78 A Regulation 19 request for further information was made in respect of chapters 8 Socio-economics, 11 Daylight, 12 Archaeology, 19 Ecology, 20 Cumulative and Volume 2 Summary. The additional information provided was placed on renotification.
- 8.79 Overall, ES and the Regulation 19 information were considered satisfactory and sufficient to assess the application. The scheme is acceptable, there being no significant impacts identified to warrant refusal.

Planning contributions

Background

- 8.80 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations. Obligations can take the form of private agreements or unilateral undertakings given by a developer and are '*intended to make acceptable development which would otherwise be unacceptable in planning terms*'.
- 8.81 Planning obligations can be used in the following three ways: -
- (i) They may be used to *prescribe* the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable;
 - (ii) Secondly they may require a contribution to *compensate* against loss or damage that will result from a development. For example loss of open space;
 - (iii) Thirdly obligations may be used to *mitigate* against the impact of a development. For example through increased public transport provision.
- 8.82 Planning Obligations should only be sought where they are found to meet the 5 key tests of the Secretary of States policy. The tests should be considered in conjunction with the

guidance contained within the circular and can be summarised as follows: -

- (i) Relevant to planning;
- (ii) Necessary to make the proposed development acceptable in planning terms;
- (iii) Directly related to the proposed development;
- (iv) Fairly and reasonably related in scale and kind to the proposed development;
and
- (v) Reasonable in all other respects.

- 8.83 Circumstances may arise where it is not feasible for a development scheme to be both economically viable and compliant with all local, regional and national planning policy requirements. Guidance within the circular states that in such cases, "*where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what the balance of contributions should be*".
- 8.84 Similarly the circular states that decisions on the amount of contributions "*should be based [on] negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place*".
- 8.85 Policy DEV4 of the adopted UDP and Policy IMP1 of the Interim Planning Guidance clearly indicate that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.86 Planning contributions have been subject to extensive discussions between the applicant, agent, the Council and other external authorities, in particular TFL. It was noted that the scheme also delivers a package of benefits *in-kind* including affordable housing, a PCT facility, open space, community/leisure facilities. The issue of viability of securing further contributions was raised. The importance of the priorities for available contributions was also subject to extensive consideration. There is agreement with all parties that the priorities are the upgrade to the Bromley-by-Bow station, connectivity, health and education.
- 8.87 Further consideration was given by the Planning Contributions Overview Panel (PCOP) at its meeting of 08 May 2008.

Scoping and consideration

- 8.88 In respect of affordable housing, the scheme provides 50% affordable housing by habitable room. Of this, 69% of the affordable housing will be social rented and 31% intermediate.
- 8.89 In respect of public transport and contributions towards the underground, DLR and buses, It should be noted that the comments below are based on Transport for London's (TFL's) response on the draft Transport Assessment.

Bromley-by-Bow Station

- 8.90 As an interim measure, TFL have estimated that the cost of station redevelopment to be £17.5m, based on a similar station redevelopment at Hounslow East. Accordingly TFL expects the St Andrews development to contribute **£3.5 million** to be pooled with other developments coming forward in the Bromley-by-Bow area. The proposals when taken with other planned development within the walking catchment of Bromley by Bow underground station will place considerable additional demand on the capacity and circulation space within the station.

Highways

- 8.91 The LBTH Highways team have requested a total contribution of **£250,000** for local improvements to access and connectivity, comprising:
- £50k for improved pedestrian crossing facilities;
 - £169k for pavement reconstructions along Devon's Road and Devas Street;
 - £8k for traffic management; and
 - £23k for street lighting

Education

- 8.92 The Council's Head of Education Development has requested a contribution of **£1,715,538** for primary school places. This is based on the development generating a total of 139 additional primary school places at £12,342 per place.

Health

- 8.93 The development proposal is providing a new PCT facility which is worth an estimated £4.65m in investment and will serve a population of up to 20,000 people. In addition, the Tower Hamlets PCT originally also requested a HUDU contribution during the course of pre-application discussions. This comprised two parts: a capital contribution of £1,328,806 and a revenue contribution of £4,636,475. However, following discussions between Barratt Homes and the PCT, the PCT withdrew its request for a HUDU contribution on the basis that the scheme would deliver the in-kind contribution of the facility.

Other heads

- 8.94 A 'Car Free' agreement is recommended to restrict the occupants from applying for residents parking permits in the area.
- 8.95 Further heads of terms include publicly accessible open spaces and walkways, transport assessment, TV reception monitoring and impact mitigation, employment/training initiatives.
- 8.96 A public art opportunity in Reeves Park has been developed through the landscape plan. It will therefore be secured by a planning condition.

Financial Viability

- 8.97 An affordable housing toolkit was submitted in support of the application to set out the viability issues in seeking to secure contributions. In addition, applicant agreed to an independent open book appraisal by GVA Grimley.
- 8.98 The applicant initially identified that the development could contribute up to £3.7m for S106 mitigation measures based on the affordable housing toolkit. This equates to approximately £4,000 per residential unit and is in addition to the benefits provided in kind as part of the development i.e. New PCT Facility, 50% affordable housing provision, open space and improvements to access / linkages through the site.

Recommendation

- 8.99 Having regard to the priorities, viability and the initial offer it was resolved to seek full contributions for Bromley-by-Bow station/connectivity, education and local highways improvements.
- 8.100 The **£5,465,538** total contribution requested is significantly in excess of the initial offer. This represents a contribution of approximately **£5,669.65** per residential unit. Taking into account the contributions *in-kind* on the site would recognise the level of investment in the development is even greater, it being noted that the PCT alone is worth an estimated

£4,636,475.

- 8.101 Overall, the contributions package is considered to be acceptable, in line with the guidance of the Circular and will mitigate the impacts of the development.

Other

Community consultation

- 8.102 Objections were received about consultation and that resident's views were not considered.
- 8.103 In addition to the formal notification of the application by LBTH (see section 7) the applicant's separately undertook public consultation. This is set out in the Statement of Community Involvement. The consultation was undertaken in June, July, August and September 2007. This consisted of:
- A launch event in June 2007
 - A local stakeholder contact program
 - Website with reference to a telephone hotline and email address form seeking further advice
 - Press release
 - Workshops/exhibitions in July 2007
 - Representation at the 'Unity' community festival in July 2007
 - Feedback on the first phase of the engagement and consultation
 - Public workshops and exhibitions in December 2007
 - Meetings in November and December 2007 with local stakeholders
 - A newsletter was issued 1 February 2008-09-15
 - Art workshops with local schools were organised
- 8.104 The community feedback is summarised in the Statement of Community involvement and was in respect of topics including: existing building; principle of development and housing need; accessibility; education; community amenities; employment schemes; retail provision; open space provision; safety and security; transport and parking; the A12. The document sets out the changes made to the scheme taking on board the comments and suggestions made.
- 8.105 A further consultation event was held June 2008 and associated newsletter produced.
- 8.106 Consequently, there is sufficient evidence indicating that the public has been engaged and their views considered in the development of the scheme.

Phasing

- 8.107 As part of the consideration of the outline scheme, an appropriately worded condition is recommended for a phasing plan to be agreed.

Impact on local resources

- 8.108 Objections were received in respect of the strain on local resources with particular mention of schools, doctors, public transport and utilities. The impact is considered to be appropriately mitigated for the following reasons:
- The full education contribution is secured to mitigate the effect of the increase in population;
 - In respect of healthcare, the scheme provides a primary care trust facilities, predicted to employ up to 16 general practitioners, servicing up to 20k people;
 - In respect of transport, the scheme was given extensive consideration by the Highways team as discussed under Transport. Public transport in the area can

accommodate the increase demand posed by the scheme and impacts upon the local road system are tolerable. Also, the full planning contributions for the upgrade to the Bromley-by-Bow station upgrade and connectivity, as well as local highways improvements are secured to mitigate the impact of the scheme;

- In respect of utilities, it is the responsibility of the developer to ensure sufficient supply and connection to necessary infrastructure. Notwithstanding, the scheme was referred to Thames Water and National Grid for consideration. An appropriately worded condition is recommended specifically relating to water supply infrastructure. This will ensure that future occupiers have access to the necessary infrastructure without impact to the surrounding area.

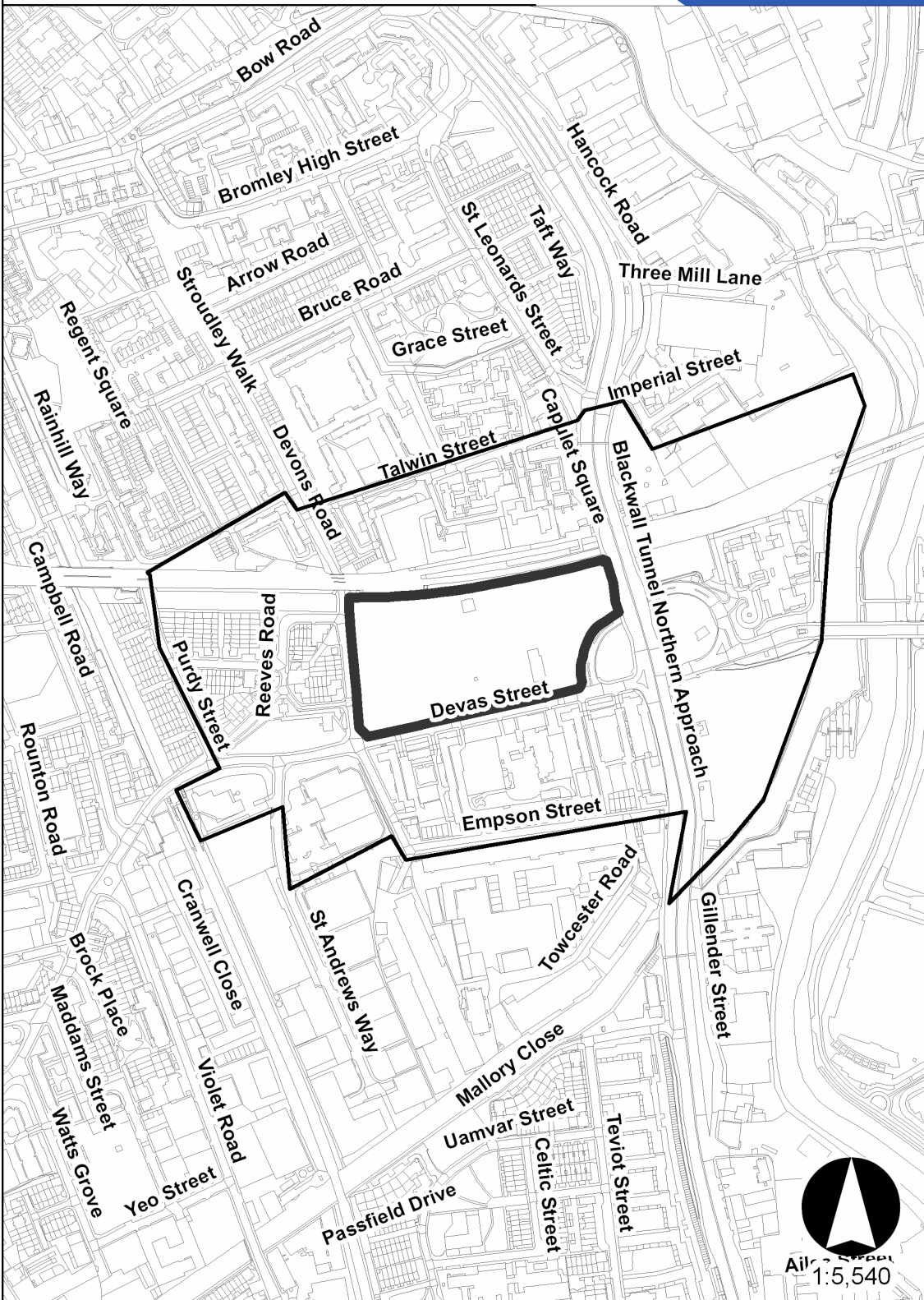
Other

- 8.109 In respect of an objection on grounds of terrorism, the scheme has been considered by the Metropolitan Police. No threat or risk in this respect has been identified. No evidence as been submitted specifying any probable threat of terrorism for this scheme. Furthermore, safety and security is maximised by the scheme's design as previously discussed. In addition, this issue is considered to be balanced by the positive regeneration benefits of this scheme.
- 8.110 Objections have also been received raised concern about the impact on television and phone reception. In respect of television reception, the s106 planning agreement requires the developer to undertake testing and mitigation as required ensuring that reception will not unacceptably diminish. It should be noted that fixed line and mobile phone reception is not affected.

9. Conclusions

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application
Site Map



Planning Application Site Boundary



Consultation Area



Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

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Agenda Item 7.2

Committee: Strategic Development	Date: 9 th October 2008	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Jason Traves		Ref No: PA/08/1162	
		Ward(s): Bromley by Bow	

1. APPLICATION DETAILS

Location: St Andrews Hospital, Devas Street, E3 3NT

Existing Use:

Proposal:

Development up to 10 storeys in height to provide 194 dwellings (85 x 1bed, 65 x 2bed, 38 x 3bed, 3 x 4bed, 3 x 5bed); 80sqm shopping, drink and professional service uses (Use Classes A1,A2, and A4), 2004sqm of community, health, education and cultural uses (Use Class D1) and/or assembly and leisure uses (Class D2) together with provision of open space and landscaping; cycle ways and pedestrian routes; vehicle , motor cycle and cycle parking; and ancillary works.

The application has been submitted as a hybrid, concurrently with the outline application PA/08/1161 for the redevelopment of the entire St Andrews hospital site.

Drawing Nos:

527-07: 000 P1; 99 P1; 100 P3; 101 P4; 102 P4; 103 P3; 104 P3; 105 P3; 106 P3; 107 P3; 108 P3; 109 P3; 110 P2; 200 P2; 201 P1; 210 P1; 211 P2; 300 P2; 301 P3; 400 P1; 401 P2; 402 P1; 403 P1; 800 P1; 801 P1; 802 P1; 901 P1; 902 P1; 903 P1; 904 P1; 905 P1; 906 P1; 907 P1

TOWN364(08): 5001 R09; 5002 R07

No. 13 x plans of the existing St Andrews hospital (Greenhatch Group)

No.1 x survey plan (Greenhatch Group)

Planning Statement
Design and Access Statement
Environmental Statement
Shadow Analysis
Transport Assessment
Framework Travel Plan
Statement of Community Involvement

Applicant: London Development Agency and Barrat Homes (East London)

Owner: London Development Agency

Historic Building: N/A

Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application

against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, as well as the London Plan and Government Planning Policy Guidance and has found that:

- (a) The proposed land use is in accordance with the Interim Planning Guidance Proposals Map in proposing a scheme comprising of residential units (Class C3), a healthcare facility (Class D1), as well as the provision of over 1ha of open space. As such the proposal is in line with the Leaside Area Action Plan and draft Bromley-by-Bow masterplan Policy CP19 which encourages redevelopment of the site which includes housing, a PCT facility and public open space contribution.
- (b) The scheme has a density of 770 habitable rooms per hectare. The scheme is considered to be an appropriate scale and shows no symptoms of overdevelopment. As such, the scheme is within the capacity of the site and area and in accordance with the guidance on density, pursuant to Policies 3A.3 'Maximising the Potential of Sites' of The London Plan, Policies CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the LBTH Interim Planning Guidance (2007), which seek to ensure that development is sustainable and set an appropriate location.
- (c) The scheme provides significantly in excess of the total required amenity open space. Therefore, the proposal addresses the amenity needs of future occupiers pursuant to policies HSG 16 'Housing Amenity Space' and 'Residential Space SPG' of the LBTH adopted UDP 1998 and CP25 'Housing Amenity Space' of the LBTH Interim Planning Guidance (2007).
- (d) The scheme provides for 57% affordable housing. The 47:53 split between the social rent and shared ownership tenures is acceptable, on the basis that over 50% affordable housing is achieved. The scheme also provides 23% family housing. Therefore the scheme caters for housing need, pursuant to Policies CP22 'Affordable Housing', 3A.7 'Affordable Housing Targets', CP21 'Dwelling Mix and Type' of the LBTH Interim Planning Guidance (2007).
- (e) The scheme complies with LBTH Policy DEV1 'Design Requirements' and CP4 'Good Design', which require a development to be sensitive to the area and that buildings and spaces should be high quality, attractive, safe and well integrated.
- (f) The scheme provides for the amenity of future occupiers in making adequate provision for waste/recycling storage. As such, the scheme is in accordance with Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3 which seek to ensure a high quality environment and the amenity of future occupiers.
- (g) The scheme provides for the amenity of future occupiers in making adequate provision for noise and vibration impacts through the building design. Therefore the scheme is in accordance with Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3, which seek to ensure a high quality environment and the amenity of future occupiers.
- (h) The scheme has taken into consideration its relationship with neighbours and any

potential impact posed. There is no significant overshadowing, microclimate effects, privacy, outlook or overlooking impacts. In terms of loss of light, only three habitable rooms are moderately affected by this development. This is not deemed, on balance, to outweigh the benefits this scheme will bring for the area, sufficient to justify a reason for refusal. Therefore, the scheme has appropriately addressed its relationship and impact with neighbours, in accordance with Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3 which seek to ensure the amenity of the adjacent area is protected.

- (i) The scheme would have no significant transport impact on the area. Furthermore, the access, servicing, car parking, bicycle parking and car club arrangements for the development are acceptable. Therefore the scheme accords with Policies PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan (Consolidated 2008), Policies ST25, ST28, ST30, of the adopted UDP 1998 and Policies CP1 'Creating Sustainable Communities, CP41 'Integrating Development with Transport' CP43 'Better Public Transport', DEV16 'Walking and Cycling Routes and Facilities' of the LBTH Interim Planning Guidance 2007. These policies seek to ensure the scheme adequately provides for the needs of the future development, as well as considering potential impacts on the surrounding area.
- (j) Measures incorporated into the scheme, including green roofs, a Combined Heat and Power (CHP) system, and bio-fuel boiler have satisfactorily addressed the policy requirement to reduce carbon dioxide emissions as well as providing renewable energy. The scheme therefore accords with Policies CP3 'Sustainable Environment', CP38 'Energy Efficiency and Production of Renewable Energy', DEV5 'Sustainable Design', DEV6 'Renewable Energy' of the LBTH Interim Planning Guidance 2007 as well as Policies 4A.4 'Energy Assessment', '4A.6 Decentralised Energy: Heating, Cooling and Power', 4A.7 'Renewable Energy' of the London Plan (Consolidated 2008). These policies seek to tackle climate change by reducing the reliance on non-renewable energy resources and reducing pollution, thereby, making schemes more energy efficient and sustainable.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

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

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

- a) In the event that the associated outline (hybrid) is approved, the following s106 form the subject application should apply:
 - An addendum agreement to the outline application to secure a proportion of affordable housing of **57%** based on habitable rooms of the proposed units to be provided as affordable housing with a 47:53 split between social rent and shared ownership tenures;
 - Provide for car club, car-free agreement, Travel Plan, TV reception monitoring and impact mitigation, employment/training initiatives.
- b) In the event that the associated outline (hybrid) is refused, the s106 should take the following form. Namely, an agreement that secures as pro-rata

contribution to mitigate the impact of the 194 units of phase 1:

- A proportion of **57%** based on habitable rooms of the proposed units to be provided as affordable housing with a 47:53 split between social rent and shared ownership tenures;
- Provide **£704,200.00** towards the upgrade to Bromley-by-Bow station upgrade and connectivity improvements;
- Provide **£345,166.25** towards education to mitigate the demand of the additional population on education facilities;
- Provide **£50,300.00** towards highway improvement works; and
- Provide for car club, car-free agreement, Travel Plan, TV reception monitoring and impact mitigation, employment/training initiatives and public art opportunity

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions [and informatives] on the planning permission to secure the following matters:

Conditions

- 1) Time limit for full planning permission
- 2) Details of the following are required:
 - Materials board and drawings of scale 1:5
 - Balcony details with typical drawings and sections of scale 1:5
- 3) A Landscape management plan is required.
- 4) Parking provision for:
 - Minimum 3 accessible parking spaces for people with a disability of which, minimum 1 accessible space for the PCT facility;
 - Minimum cycle spaces; should be provided
- 5) Final delivery/servicing strategy to be agreed
- 6) Car free agreement is required
- 7) S278 agreement is required
- 8) Full details of waste and recycling facilities
- 9) Full details of green roofs
- 10) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 11) Piling hours of operation limits (10am – 4pm Mon-Fri)
- 12) Wheel cleaning facility during construction
- 13) 20% renewables required.
- 14) Full particulars of renewable and efficiency details
- 15) Full particulars of the fitout of the healthcare facility required
- 16) Final BREEAM healthcare assessment
- 17) Final Code for Sustainable Homes assessment
- 18) Lifetime homes standards and 10% wheelchair accessible housing
- 19) Full land contamination study and remediation measures [as required by the Environment Agency (EA)]
- 20) Full particulars of clean fill
- 21) Full particulars of wind mitigation measures
- 22) Full particulars of noise mitigation measures
- 23) Full particulars of mechanical ventilation and ductwork
- 24) Further modelling and full particulars of air pollution mitigation measures
- 25) Full particulars of the surface water drainage system as required by EA
- 26) Details of storage of oils, fuels and chemicals as required by EA

- 27) Program of archaeology as required by English Heritage
- 28) Water impact study as required by Thames Water (TW)
- 29) Drainage strategy as required by TW
- 30) Black Redstart survey required
- 31) Bat study required
- 32) Construction Management plan is required
- 33) Any additional conditions as directed by the Corporate Director Development and Renewal

Informatives

- 1) Legal agreement
 - 2) For landscaping condition consult ecology section and Natural England to ensure nectar rich varieties included in scheme
 - 3) For green roof design consult Natural England and ecology section
 - 4) Consult Thames water in respect drainage impact study, drainage strategy and connection to the sewer as well as any other issues or approvals that may be required
 - 5) Consult Metropolitan Police
 - 6) Consult PCT and metropolitan police in respect of the healthcare facility fitout
 - 7) Renewable energy systems to be explored in future phases of the scheme
 - 8) S278
 - 9) Car free grampion
 - 10) Consult EA
 - 11) EA to be consulted to establish if separate approval is required in respect of the use of clean fill.
 - 12) Consult LFEPA in respect of infrastructure for fire fighting purposes
 - 13) Consult EH archaeology
 - 14) Submit info in a detailed project design to address potential damage to remains
 - 15) Consult GLA in respect of waste strategy and acoustic measures
 - 16) Note that undercroft parking is not given full permission and needs to come forward as part of reserved matters
 - 17) Consult GLA and TFL in respect of the deliver/servicing mgt plan
- 3.4 That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The subject scheme is the detailed application for phase 1 namely (Block A) and is a hybrid application, being submitted concurrently with the outline scheme for the redevelopment of the entire St Andrews hospital site. For details of the outline scheme, see the separate report for PA/08/1161.
- 4.2 The application proposes a development up to 10 storeys in height with a central communal courtyard space. It comprises of 194 dwellings (85 x 1bed, 65 x 2bed, 38 x 3bed, 3 x 4bed, 3 x 5bed); 80sqm shopping, drink and professional service uses (Use Classes A1, A2, and A4), 2004sqm of community, health, education and cultural uses (Use Class D1) and/or assembly and leisure uses (Class D2). It also provides open space and landscaping; cycle ways and pedestrian routes; vehicle, motor cycle and cycle parking; and ancillary works.
- 4.3 Block A is between 3 and 10 stories high, with a central communal courtyard space. It includes a primary care trust (PCT) facility at the northern end of the building. The other non-residential use is located in the south western corner of the site and comprises one unit to be commercial (Class A1, A2 or A4). The residential dwellings are located throughout the

scheme and include market, social rent and shared ownership tenures. The ground floor provides for servicing including waste and cycle storage. The basement level is occupied by the combined heat and power (CHP) plant and other renewable technologies. It will cater for the entire outline scheme (Blocks A – E).

- 4.4 The key aspects of the detailed application are as follows:
- The provision of 2,004sqm for a Primary Care Trust (PCT) facility which is predicted to generate 16 general practitioner jobs in the PCT;
 - The provision of 80sqm of commercial floor space (Class A1, A2 and A4) which is predicted to generate 3 jobs;
 - 12,418sqm of residential (C3) flats with sizes ranging between studio – 5 bedroom;
 - Affordable housing provision which equates to 57% of total habitable rooms or 59% of the GEA, or 49% of unit yield;
 - Residential design that achieves level 3 for the Code for Sustainable Homes Criteria as well as 10% wheelchair housing;
 - In terms of sustainability: the incorporation of measures predicted to reduce Carbon dioxide emission by more than 20%;
 - A total of 4890.56sqm of amenity space comprising:
 - A total of 2,174.56sqm of private amenity space in the form of gardens, balconies and roof terraces;
 - 665sqm communal space in the central courtyard;
 - A total of 2,051sqm of publicly accessible open space comprising Reeves Square (687sqm), Nelson Walk (659sqm) and amenity improvements in the form of pavement widening adjacent Devas Street and Devons Road (705sqm);
 - A total of 128sqm of children's playspace within the courtyard and Nelson's Walk;
 - The provision of 3 accessible parking spaces for people with a disability, of which 1 is dedicated to the PCT facility;
 - The provision of 194 secure cycle spaces for residential C3 flats, 18 spaces (9 Sheffield stands) in the forecourt of the PCT and 6 spaces (3 Sheffield stands) in Nelson's Walk; and
 - The provision of refuse and recycling facilities.

Site and Surroundings

- 4.5 The application site comprises 0.76Ha in the south western corner of the former St Andrews hospital. This section of the St Andrews site has a frontage with Devon's Road to the west and Devas Street to the south.
- 4.6 The hospital was constructed in 1969 and was originally the Stepney Sick Asylum. The site is all but demolished. The agent advises that the original building comprised of eight separate blocks which were later added to in the 1930s and post 1945. All that remains are the central tower, a line of trees along the northern boundary as well as a series of relatively modern buildings in the south east of the site.
- 4.7 To the north, the site is bordered by London Underground track. Bromley-by-Bow tube station is adjacent the site and serves the District line and Hammersmith and City Lines. Beyond this is the Devons and Bow Bridge estates.
- 4.8 To the south are residential flats in the Coventry Cross estate as well as Marnier Primary School.
- 4.9 In relation to the primary school, it is noted that planning permission was granted on 14 August 2008 for a three storey extension on the western elevation of the school (LBTH Ref. PA/08/1258). The additional 1497sqm floorspace includes six classrooms. The school also benefits from planning permission granted 14 August 2008 for a nursery school extension of 155sqm (LBTH Ref. PA/08/1299).

- 4.10 Beyond the rest of the St Andrews hospital site is the A12 and the interchange for Devas Street. Further still is a mix of commercial and residential sites.
- 4.11 To the west is a public park, bordered by the residential properties on Reeves Road and Devon's Road. To the west, adjoining the London Underground track are allotment gardens. Further along Devas Street is Devon's Road DLR station.
- 4.12 The LBTH Leaside Area Action Plan and the Mayors Lower Lea Valley Opportunity Area Planning Framework identify this as an area for change and opportunity, indicating the need for a masterplan to bring forth change in a coordinated and systematic way. As a consequence, the draft Bromley-by-Bow Masterplan area has been prepared. It has been subject to public consultation and is pending further work and progression towards adoption as an SPG. The objectives include:
- Addressing the physical barrier of the A12,
 - Developing a connected/legible/cohesive neighbourhood,
 - Enhance the public realm,
 - Enhancing the mix of uses and enhancing a positive identity for the area.
- 4.13 Key elements of the masterplan include access improvements to Bromley-by-Bow station, a new PCT facility, as well as a new public open space on the St Andrews site.

Planning History

- 4.14 The following planning decisions are relevant to the application:
- 4.15 PA/02/669; PA/02/1815 Outline application for the demolition of all of the existing buildings except the clock tower block and the erection of 10 new blocks across the site between 21 - 45m in height. These were proposed to be used as 782 new residential flats, 2000 sqm of Class A1/A2/A3/B1/D1 and D2 accommodation, of which at least 1000 sqm should be for a primary health care facility (Class D1), 2000 sqm of public open space and a new pedestrian link to Bromley by Bow underground station. Also, 190 car and 64 secure cycle parking spaces were proposed. The Development Committee resolved to grant permission on 14th May 2003.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

Unitary Development Plan 1998 (as saved September 2007)

Proposals:		Partially within a flood protection area
Policies:	ST23	Housing
	ST25	Housing
	ST35	Shopping
	ST37	Open Space, Leisure and Recreation
	ST49	Social and Community Facilities
	ST50	Social and Community Facilities
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views

DEV12	Provision of Landscaping in Development
DEV15	Retention and Replacement of Mature Trees
DEV50	Noise
DEV51	Soil Tests
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV69	Efficient Use of Water
EMP1	Encouraging New Employment Uses
EMP6	Employing Local People
EMP10	Development Elsewhere in the Borough
HSG7	Dwelling Mix and Type
HSG15	Preservation of Residential Character
HSG16	Housing Amenity Space
T1	Improvements and Extension to the Underground
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrian Needs in New Development

Interim Planning Guidance for the purposes of Development Control

Proposals:	LS8	St Andrews Hospital	
Core Strategies:	CP1	Creating Sustainable Communities	
	CP3	Sustainable Environment	
	CP4	Good Design	
	CP5	Supporting Infrastructure	
	CP7	Job Creation and Growth	
	CP14	Combining Employment and Residential Use	
	CP19	New Housing Provision	
	CP20	Sustainable residential Density	
	CP21	Dwelling Mix and Type	
	CP22	Affordable Housing	
	CP25	Housing Amenity Space	
	CP27	High Quality Social and Community Facilities to Support Growth	
	CP30	Improving the Quality and Quantity of Open Spaces	
	CP31	Biodiversity	
	CP35	Lee Valley Regional Park	
	CP38	Energy Efficiency and Production of Renewable Energy	
	CP39	Sustainable Waste Management	
	CP40	A Sustainable Transport Network	
	CP41	Integrating Transport and Development	
	CP46	Accessible and Inclusive Environments	
	CP48	Tall Buildings	
	CP49	Historic Environment	
	CP50	Important Views	
	Policies:	DEV1	Amenity
		DEV2	Character and Design
		DEV3	Accessibility and Inclusive Design
		DEV4	Safety and Security
DEV5		Sustainable Design	
DEV6		Energy Efficiency and Renewable Energy	
DEV7		Water Quality and Conservation	
DEV8		Sustainable Drainage	
DEV9		Sustainable Construction Materials	
DEV10		Disturbance and Noise Pollution	
DEV11		Air Pollution and Air Quality	
DEV12		Management of Demolition and Construction	

DEV13	Landscaping and Tree Preservation
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routed and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity for Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE2	Redevelopment/Change of Use of Employment Sites
RT3	Shopping Provision Outside of Town Centres
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provisions in Individual Private Residential and Mixed-Use Schemes
HSG4	Varying the Ratio of Social Rented to Intermediate Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating the Provision of Affordable Housing
SCF1	Social and Community Facilities
CON2	Conservation Areas
CON4	Archaeology and Ancient Monuments

Supplementary Planning Guidance/Documents

Designing Out Crime Pts 1 and 2 (2002)
Sound Insulation (1998)
Archaeology and Development (1998)
Residential Space (1998)
Landscaping Requirements (1998)

Spatial Development Strategy for Greater London (London Plan)

2A.1	Sustainability Criteria
2A.5	Opportunity Areas
2A.6	Areas for Intensification
2A.9	The suburbs: supporting sustainable communities
3A.1	Increasing London's Supply of Housing
3A.3	Maximising the Potential of Sites
3A.5	Housing Choice
3A.6	Quality of New Housing Provision
3A.7	Large Residential Developments
3A.8	Definition of Affordable Housing
3A.17	Addressing the Needs of London's Diverse Population
3A.18	Protection and Enhancement of Social Infrastructure and Community Facilities
3A.21	Locations for Health Care
3A.23	Health Impacts
3A.28	Social and Economic Impact Assessments
3B.3	Mixed Use Development
3C.1	Integrating Transport and Development
3C.2	Matching Development to transport Capacity
3D.13	Children and Young People's Play and Informal Recreation

	Strategies
3D.14	Biodiversity and Nature Conservation
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy: Heating, Cooling and Power
4A.7	Renewable Energy
4A.11	Living Roofs and Walls
4A.13	Flood Risk Management
4A.14	Sustainable Drainage
4A.17	Water Quality
4A.19	Improving Air Quality
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.6	Respect Local Context and Communities
4B.9	Tall Buildings - location
4B.10	Large-scale Buildings – Design and Impact

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG24	Planning and Noise

Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

LBTH Ecology

6.3 Considers that the Environmental Statement (ES) has covered all the relevant issues and consulted with the appropriate authorities. The officer is satisfied that the scheme will not result in a net loss of biodiversity on site. Rather, there will be a net gain following the completion of the development. Living roof and green roof should be included where possible. There may be potential impact to Black Redstarts. The use of nectar rich plants in the planting scheme will provide a food source for birds. A bat survey is recommended in the ES and should be completed.

(Officer comment: The scheme includes the provision of green roofs as part of the scheme.

An appropriately worded condition requiring a detailed landscaping plan and an informative for the ecologist to be consulted. This will ensure planting includes nectar producing varieties. In respect of Black Redstarts, the species was not identified on site at the time of the survey. Nevertheless, an appropriately worded condition is recommended for the mitigation measures during the construction phase in accordance with the ES. An appropriately worded condition is also recommended for a bat survey to be completed, it being noted that no bats were identified in the 2km radius assessment area of the ES.)

LBTH Education

6.4 No comments received.

LBTH Energy Efficiency Unit

6.5 Overall, the energy strategy is acceptable and the following appropriately worded conditions are recommended to address the requirement for further detailed information:

- Full particulars of the energy efficiency measure prior to commencement;
- The final Code for Sustainable Homes assessment to be approved prior to occupation of the residential units;
- The final BREEAM healthcare assessment and full particulars of the efficiency measures, passive design features and low/zero carbon technologies shall be approved prior to the occupation of the PCT.

(Officer comment: Appropriately worded conditions of approval are recommended if approval is granted)

LBTH Environment Health

6.6 Contaminated land

The scheme is acceptable and the standard contamination condition is recommended. A further condition is also recommended in respect of the use of clean fill imported onto the site for reprofiling ground levels.

(Officer comment: Appropriately worded condition is recommended if approval is granted.)

Daylight and Sunlight

6.7 Only 1 habitable room of 144 Devons Road will suffer a loss of light. The assessment of the impact to these rooms in terms of the Building Research Establishment (BRE) Average Daylight Factor (ADF) test indicates that the level of impact is tolerable. Specifically, the living room window of 144 achieves an ADF of 0.8% and the pass rate for living rooms is 1.5%. As such, this is not considered to be a reason for refusal.

(Officer comment: This matter is not considered significant to warrant refusal when balanced with the regeneration benefits of the scheme.)

Microclimate

6.8 The effect of wind on and around the proposal is acceptable.

Noise and vibration

6.9 There is no vibration impact posed whilst noise impact posed by surrounding roads is tolerable. An appropriate condition is recommended for further testing full particulars of the noise mitigation measures to be provided.

(Officer comment: The appropriately worded condition is recommended to deal with noise mitigation. In respect of noise experienced in the open space, open space provision is identified in the site allocation and was also secured as part of the previous planning permission for the site. The scheme is also equivalent to other recently approved amenity

spaces in other areas of the borough that are in adjacent to roads and railway land. In addition, the overall regeneration benefits and quality of the provision of open space is considered to balance this concern.)

Air quality

- 6.10 The air quality impact of the surrounding area on future occupiers is tolerable. An appropriately worded condition is recommended for further testing and full particulars of mitigation measures at the detailed application stage.

(Officer comment: The appropriately worded condition is recommended if the application is approved.)

LBTH Highways

- 6.11 Matters relating to traffic generation, access parking, public transport, walking and cycling, have been considered as part of the assessment of the outline scheme (PA/08/1161) and are acceptable. In respect of the subject application for phase 1, the provision of bicycle, refuse/recycling storage and accessible parking for people with a disability is supported

LBTH Parks and Open Spaces

- 6.12 No comments received

LBTH Waste Management

- 6.13 Satisfied with the draft management scheme. The proposed kerbside collection could address the issue of carrying distances form refuse, it being noted that this matter is covered by building regulations. Vehicular access is also considered acceptable.

(Officer comment: An appropriately worded condition is recommended for the final waste management plan to be agreed prior to commencement.)

LBTH Youth and Community Services

- 6.14 No comments received

British Broadcasting Corporation (BBC)

- 6.15 No comments received

British Waterways

- 6.16 No comments received.

Commission for Architecture & Built Environment (CABE)

- 6.17
- Generally supportive of the design, but concerned that the height and amount of development will compromise the quality of the open space and the internal courtyard;
 - Need to consider BRE light issues because of the width of the courtyard compared the height of the buildings;
 - Care has been taken to ensure well-functioning flats internally;
 - The architectural treatment considers the context;
 - The success of the scheme will depend on the detailing and quality of the materials.

(Officer comment:

- In respect of shadowing, amendments to the scheme have reduced the height of the building, thereby reducing the shadowing of the central courtyard in line with BRE standards. The level of amenity of the open space in this regard is therefore considered acceptable;
- High quality materials will be secured by an appropriately worded condition.)

Docklands Light Rail

6.18 No comments received

English Heritage (Statutory)

6.19 Comments received from EH relate to the outline scheme rather than the subject application.

English Heritage (Archaeology)

6.20 Appropriately worded conditions are recommended to secure a program of archaeological work and to complete a more thorough recording and analysis of historic buildings.

(Officer comment: The conditions are recommended if the application is approved.)

Environment Agency (Statutory)

6.21 No comments received.

Government Office for London (Statutory)

6.22 No comments received.

Greater London Authority (Statutory)

6.23 GLA comments consider the outline scheme rather than the subject application

Lea Valley Regional Park Authority

6.24 No comments received

London Borough of Newham

6.25 No comments received

London City Airport

6.26 No safeguarding objection is raised to the proposal.

London Fire & Emergency Planning Authority (Statutory)

6.27 The Authority raise not objection to the scheme and recommend a condition for full particulars of water supply for fire fighting purposes to be agreed.

(Officer comment: This matter is not a planning consideration. It will be dealt with as part of the approval under the building regulations. An appropriately worded informative is recommended for LFEPA to be consulted.)

London Thames Gateway Development Corporation

6.28 No comments received

Metropolitan Police

- 6.29
- Happy that the development is being built in the spirit of secured by design principles and should be able to achieve certification; and
 - Request that the PCT building achieve fitout to Secured by Design Certification.

(Officer comment: An appropriately worded informative is recommended for metropolitan Police to be consulted on the detailed design of elevations, landscaping and amenity spaces, entrances, boundary treatments. An appropriately worded condition is recommended for the details of the fitout of the PCT to be agreed and an informative for metropolitan police to be consulted.

National Air Traffic Control Services

6.30 No objection to the proposal.

Natural England (Statutory)

6.31 No comments received.

National Grid

6.32 No comments received.

Network Rail

6.33 No comments received.

Olympic Delivery Authority (ODA)

6.34 The Authority advises that they have no comment to make on the proposals.

Poplar Harca Limited

6.35 No comments received.

Thames Water

- 6.36
- Developer is responsible for providing adequate drainage;
 - Surface waters to be attenuated;
 - Removal of groundwater is not permitted;
 - Prior approval from Thames Water is needed for connection to the sewer;
 - No works should take place within 3 metres of sewers without approval from Thames Water;
 - Petrol and Oil interceptors are recommended in car parking;
 - A drainage strategy shall be agreed prior to commencement;
 - Recommends the installation of a fat trap from all catering establishments;
 - Impact study on the existing water supply infrastructure is required prior to commencement;
 - Network reinforcement will be required as determined by the water modelling impact assessment;
 - Points of connection to the sewer are to be agreed;
 - Surface water retention should be applied so there is no increased peak flow compared to the historic situation.

(Officer comment: Appropriately worded conditions are recommended for a drainage strategy and impact study to be agreed prior to commencement.)

Tower Hamlets Primary Care Trust

6.37 No comments received.

Transport for London (Statutory)

6.38 No comments received

7. LOCAL REPRESENTATION

7.1 A total of 990 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. [The application has also been publicised in East End Life and on site.] The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 11 Objecting: 11 Supporting: Nil
No of petitions received: 01 containing 310 signatories

7.2 No local groups/societies made representations.

7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Landuse

- Overdevelopment;
- Unacceptable strain on local resources (schools, doctors, public transport, utilities) caused by this development;
- Concerns about the precedent set by this development for other sites, including underutilised industrial sites in the area;
- Sets a precedent for development along the A12 heading to the Olympics site.

Housing

- Quality of the housing proposed is unacceptable;
- The level affordable housing is insufficient;
- Concern about the impact that market housing and new residents will have on the community in this area;

Design and Access

- The height and visual impact of the towers is unacceptable;
- Design quality and visual impact of the scheme is unacceptable;
- The scheme affects the character of Devas Street;
- Relationship with the area, in terms of bulk and height is unacceptable;
- The replacement buildings need to be high quality to compensate for the loss of the St Andrews Hospital;
- Detrimental impact to the 3 Mills area and it's conservation and waterway values;
- Proximity of towers to Three Mills Conservation Area;

Amenity

- The scheme does not incorporate enough open space including children's playspace and sport facilities;
- Loss of light, in particular to Denbury House and Maltings Close
- Loss of privacy, in particular to Denbury House;
- Loss of skyline;
- Nuisance (unspecified) to residential neighbours;

Transport

- Bromley-by-Bow underground station is currently overused;
- Width of the pavements of Devas Street is insufficient;
- Traffic impact in terms of congestion and parking;

Planning contributions

- Investment in the public transport system is needed to cope with the increased demand;
- Interference with television and telephone reception;

Other

- The community uses proposed including health, education, youth and cultural facilities are not sufficient in size to cater for families in the local area;
- Insufficient detail provided in respect of the community, health, education and cultural facilities, their accessibility and the benefit they would provide to local residents;
- Terrorism concerns because of the 27 storey building adjacent to the London Underground Station and its proximity to the Olympics site;
- Problems with antisocial behaviour associated with public house and bar uses
- Concern about consultation and that residents views have been ignored;

7.4 The following issues were raised in representations, but they are not material to the determination of the application:

Negative comments:

- Problems (unspecified) with residential towers when they are not properly maintained;
- The current proposal is very different to the previous scheme for the site;
- Reduction in property values as a consequence of the development;
- Loss of views;
- High rise buildings, as proposed here, will not raise the profile of East London.
- Anti-social behaviour associated with public house/bar uses.

Positive/neutral:

- It is considered that an attractive scheme has been put forward;
- Request to be re-housed, as their current accommodation does not cater for the current family needs;
- A request for local residents to be given priority in allocations for affordable housing and businesses in the development.

7.5 The following issues were raised in representations, but are relevant to the outline application and are addressed in report PA/08/1161:

- The height and visual impact of the towers;
- Proximity and impact to the 3 Mills area, it's conservation and waterway values;
- Proximity of towers to Three Mills Conservation Area;
- Issue of terrorism with the 27 storey building adjacent to the London Underground Station and in proximity to the Olympics site;

7.6 The following procedural issues were raised in representations, and are addressed below:

- Proper public consultation has not taken place

8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Housing
- Design and Access
- Amenity
- Transport
- Environmental Statement
- Planning contributions
- Other

Land Use

Demolition

8.2 The site is almost completely demolished. Whilst English Heritage has objected to the loss of the hospital buildings, making particular reference to the clock tower, it should be noted that consent is not required for demolition. The former hospital buildings were not listed and the site does not fall within a conservation area. As such, consent is not required for such development.

8.3 Nevertheless, demolition is justified for the following reasons:

- The existing building stock was not suitable for conversion having regard to current building regulations;

- Reuse of the building stock would have compromised the ability to deliver other aspects of the scheme (E.g. the 1ha of open space);
- The scheme's positive contribution in respect to design quality, sustainability and regeneration benefits.

8.4 Moreover, the replacement of the existing buildings was established by the previous consent for redevelopment, PA/02/1815 on 14 May 2003.

8.5 Overall, the demolition of the existing buildings is considered acceptable.

Mixed-use

8.6 In respect of objections for the redevelopment of this site and the precedent it may set for future development in this area along the A12, Mayoral and LBTH planning guidance promotes a residential-led, mixed use redevelopment of the former St Andrews hospital site. The Mayor's Lower Lea Valley Opportunity Area Planning Framework (January 2007) identifies the site as a potential new housing area. Within the LBTH Leaside Area Action Plan, the St Andrews in site allocation 'LS8' indicates redevelopment for Residential (Class C3), Health Care (Class D1) and public open space usage. This is reinforced in the draft Bromley-by-Bow masterplan.

8.7 The application provides the mix of uses specified. As such, it is considered acceptable.

8.8 In respect of comments by objectors, the proposed development is not considered to set an undesirable precedent for development of industrial sites in the area.

Loss of the hospital facility

8.9 In respect of the loss of the St Andrews hospital facility, it is noted that health services have been consolidated into Newham General Hospital as the St Andrews site has gradually fallen vacant. Moreover, the mixed use scheme incorporates a £4.65m healthcare facility, catering for up to 20,000 existing and future residents. This type of facility is much needed in the area. Furthermore, Tower Hamlets Primary Care Trust was consulted and raised no objection to the loss of St Andrews. They support the re-provision of the healthcare facility.

Employment

8.10 Policy EMP1 'Encouraging New Employment Uses' of the adopted UDP 1998 promotes employment growth that meets the needs of local people. Whilst EMP 2 'Retaining Existing Employment Uses' opposes the loss of employment floorspace, it allows exceptions where quality buildings and a reasonable density of jobs will result.

8.11 The scheme proposes a reduction of employment floorspace from the hospital to 3,284.4sqm of non-residential floorspace including commercial, community, health and leisure uses. Whilst a reduction in employment floor area is evident, it should be noted that the hospital use has ceased and the site vacant. As such, the site produces no jobs at present.

8.12 In consideration of Policies EMP1 and 2, the following jobs will be created by the proposal:

- 322 construction jobs are attributable to phase 1
- 3 retail jobs in phase 1
- Up to 16 general practitioner jobs in the healthcare facility of phase 1

8.13 Further, in respect of Policy EMP 2, the scheme is considered to create high quality buildings.

- 8.14 Therefore, the loss of floorspace is considered justified pursuant to Policies EMP1 and EMP2 of the adopted UDP 1998 since it provides a reasonable level of jobs, high quality buildings and other land uses sought by the Council.
- 8.15 The scheme is also consistent with EMP 6 'Employing Local People' of the adopted UDP 1998, and CP1 'Creating Sustainable Communities', and CP15 'Provision of a Range of Shops and Services' of the Interim Planning Guidance, which amongst other things, seek to encourage a range of job opportunities, that are supportive of the local community and economy.

Density

- 8.16 Objections were received in respect of overcrowding, population numbers and density.
- 8.17 Policies 3A.3 'Maximising the Potential of Sites' of The London Plan, Policies CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the LBTH Interim Planning Guidance (2007) promote maximising the intensity and efficient use of sites.
- 8.18 The site has a Public Transport Accessibility Level (PTAL) of 5. The LBTH Policy team consider the site to be in an 'urban zone'. The density provisions are as follows:
- London Plan: 200-700 habitable rooms per Hectare (urban zone)
 - Interim Guidance: 450-700 habitable rooms per Hectare (urban)
- 8.19 Phase 1 is equivalent to 770 habitable rooms per hectare. The scheme is considered appropriate and shows none of the characteristics that are typically associated with an overdevelopment such as:
- Loss of privacy and overlooking;
 - Increased sense of enclosure;
 - Loss of light;
 - Insufficient rooms sizes;
 - Poor mix of units; and
 - Lack of amenity space.
- 8.20 Furthermore, planning obligations, including for the Bromley-by-Bow station upgrade, education and highway improvements, as well as public open space and PCT facility provision on site, help mitigate the impacts of the scheme.
- 8.21 Moreover, the scheme has other regeneration benefits including:
- The provision of a series of publicly accessible open spaces;
 - 57% affordable housing, a level which is unprecedented in any recent planning application considered by LBTH;
 - Provision of a £4,636,475 PCT facility;
 - Improved permeability and connectivity through the site which is further reinforced by section 106 planning contributions secured as part of the outline scheme for upgrading of and links to the Bromley by Bow station and local highway improvements;
 - A built form that addresses the street, contributes positively to establishing an urban grain for the site and area, improves connectivity, permeability and links; and
 - Energy efficiency, renewable and sustainability measures within the development to improve its sustainability and reduce its energy demand.
- 8.22 Maximising the efficient use of sites is further reinforced by Interim Planning Guidance Policy CP20 'Sustainable Residential Density' which states:

“The council will resist any proposed housing development that results in an inefficient use or under-development of a site.”

- 8.23 Overall, the density is acceptable and accords with Policy 3A.3 of the London Plan (Consolidated 2008) and CP20 and HSG1 of the LBTH Interim Guidance which seek to maximise the development potential of sites in an efficient and sustainable way.

Housing

- 8.24 Objections were received in respect of the level of affordable housing, as well as the impact of new private dwellings on the existing community.
- 8.25 The detailed application for phase 1 proposes 194 residential (Class C3) with the following mix:

Units <i>(Habitable rooms)</i>	Market Sale	Social Rent	Shared Ownership
1 Bedroom flat	50 <i>(100)</i>	5 <i>(10)</i>	30 <i>(76)</i>
2 Bedroom flat	38 <i>(114)</i>	12 <i>(36)</i>	15 <i>(45)</i>
3 bedroom flat	10 <i>(40)</i>	14 <i>(69)</i>	14 <i>(56)</i>
4 Bedroom flat	0 <i>(0)</i>	3 <i>(18)</i>	0 <i>(0)</i>
5 Bedroom flat	0 <i>(0)</i>	3 <i>(21)</i>	0 <i>(0)</i>
Total Units	98 <i>(254)</i>	37 <i>(154)</i>	59 <i>(177)</i>
Total Affordable Units		96	<i>(331)</i>

Affordable Housing

- 8.26 Based on habitable rooms, Policy CP22 ‘Affordable Housing’ of the LBTH IPG requires 35% affordable housing provision, whilst the London Plan target is for 50%. Phase 1 comprises of 57% affordable housing, which exceeds the minimum requirements of LBTH policy and the London Plan.
- 8.27 Policy HSG10, ‘Calculating Provision of Affordable Housing’, requires that the disparity between habitable room (the primary indicator) and floorspace is only 5%. Phase 1 proposes 59% based on floor area and therefore accords with the policy.
- 8.28 The affordable housing provision is further split into social rented and shared ownership tenures. A split of 80:20 is required pursuant to Policy HSG 4 ‘Loss of Housing’ in the LBTH interim Planning Guidance, whilst The London Plan 2004 indicates a region wide requirement of 70:30 split pursuant to Policy 3A.7 ‘Affordable Housing Targets’. Both the LBTH Interim Planning Guidance London Plan allow this ratio to vary in instances where greater than 50% affordable housing is achieved. Phase proposes a 47:53 split which is acceptable as the scheme achieves more than 50% affordable housing.

Family Housing

- 8.29 CP21 'Dwelling Mix and Type' of the LBTH Interim Planning Guidance 2008 requires family housing in all tenures. The requirement of 30% family sized housing is based on the following requirement in each tenure:
- Social rent – 45%
 - Intermediate - 25%
 - Market - 25%
- 8.30 Additionally, Policy HSG 2 'Location of New Housing' and Table DC.1 set out the appropriate mix of units in the social rent tenure.
- 8.31 The table below provides a comparison with policy and the family housing achieved across the borough.

Table: Family housing provision comparison

Tenure	% Policy	% Outline PA/08/1161	% Phase 1 PA/08/1162	% Annual Monitoring 2006/7
Social-rented	45	57	54	17.5
Intermediate (Shared ownership)	25	8	16	2.5
Market	25	25	15	4
Total	30	30	23	7

- 8.32 The provision of family sized units is in line with policy aspirations and exceeds what was achieved across the borough as published in the LBTH Annual Monitoring Report 2006-7. Therefore, the scheme is a positive step towards LBTH achieving key housing targets and better catering for housing need. Moreover, the scheme is part of the larger redevelopment of the whole site which provides a good mix of family sized accommodation.

Wheelchair Housing and Lifetime Homes

- 8.33 Policy HSG9 'Density of Family Housing' of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards and for 10% of housing to be wheelchair accessible or "easily adaptable". All units will meet Lifetime homes standards with 10% of these being wheel chair accessible. This requirement will be secured by an appropriately worded condition.

Code for Sustainable Homes

- 8.34 Pursuant to Policies DEV2 and DEV69 of the LBTH UDP 1998 and CP3, DEV5 and DEV6 of the LBTH IPG housing should meet a minimum sustainability target of Level 3. The scheme achieves Code Level 3 and has an aspiration to achieve Code Level 4. This requirement will be secured by an appropriately worded condition.

Internal Space Standards

- 8.35 Pursuant to the Residential Space SPG, all C3 units across in the outline scheme (Blocks A – E) achieve the minimum total floorspace standards.
- 8.36 Whilst flats 66, 67, 68 exceed to total floorspace required, their living rooms are undersized at 21.4sqm. The SPG requires a 6-8 person dwelling to provide between 21.5 - 23.5sqm. The non-compliance is considered very minor, will not pose significant harm to future occupiers and therefore, is not a substantial reason for refusal.
- 8.37 Overall, the tenure, mix and quality of housing proposed are considered appropriate and high quality. It will contribute to borough housing targets, will cater for need and assist in achieving balanced and mixed communities in the area. It addresses the concerns raised by objectors of the amount of affordable housing being proposed and the possible effects of private housing on the balance of the community.

Amenity Space

- 8.38 Objections have also been received in respect of the amount of open space and play space being provided by the scheme.
- 8.39 The London Plan (2008) defines ‘open space’ as *“all land in London that is predominantly undeveloped. This definition covers a broad range of types of open spaces within London, whether in public or private ownership and whether public access is unrestricted, limited or restricted”*.
- 8.40 ‘Open space’ is defined in the LBTH Interim Planning Guidance as *“...a broad range of open space types within the borough, whether in public or private ownership and whether public access is unrestricted, partially restricted or restricted. Open space includes , but is not limited to, green spaces such as...amenity space, children’s play areas, and hard surface spaces such as playgrounds, squares or piazzas.”*
- 8.41 ‘Amenity space’ which is considered with ‘open space’, is defined as *“an area within the cartilage of a residential development that is used for recreation, e.g gardens or landscaped space. This includes both ‘private’ and ‘communal’ amenity space.”*
- 8.42 Whilst Policy CP30 of the LBTH Interim Planning Guidance seeks a standard of 1.2 hectares open space per 1000 population, the Leaside AAP, site designation L8 requires redevelopment of St Andrews to include a component of open space of 1Ha or as per the masterplan, whichever is the greater. The Bromley-by-Bow Masterplan does not specify the size although, it indicates the following qualitative requirements:

“A new public open space is required on the Community Spine enclosed by the new health centre, Marner School [to the south of the application site] and new residential development. Through its scale and design this park has the potential to help form the future identity of Bromley-by-Bow. As such, it should be designed to take high levels of football, through the use of high quality hard and soft landscaping and be inviting to all residents in the area. Children’s play facilities and plentiful seating and quality lighting should also be provided.”

- 8.43 The following tables set out the required private, communal and play space requirements of the LBTH UDP and IPG.

Table: Residential Space SPG 1998 requirements

Tenure	Proposed	SPG Requirement	Total (m ²)
Family Units	44	50sqm of private space per	2200

		family unit	
Non-family units	150	50sqm plus an additional 5sqm per 5 non-family units;	200
Child Bed spaces	55	3sq.m playspace per child bed space	165
Total			2565

Table: Amenity Space per HSG7, LBTH Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	-	6	
1 Bed	77	6	562
2 Bed	55	10	550
3 Bed	38	10	380
4 Bed	0	10	-
5 Bed	3	10	-
TOTAL	880		1492
Ground Floor Units			
Studio	0	25	-
1 Bed	8	25	200
2 Bed	10	25	250
3 Bed	0	50	-
4 Bed	3	50	150
5 Bed	0	50	-
Total			600
Grand Total			2092
Communal amenity	50sqm for the first 10 units, plus a further 5sqm for every additional 5 units		235
Total Housing Amenity Space Requirement			2327

- 8.44 The application proposes the following amenity space provision for the entire site is as follows:
- **665sqm** communal amenity space in the central courtyard
 - **900sqm** of public amenity space comprising of Nelson's Walk between Blocks A and B (525sqm), Block A health centre forecourt (375sqm);
 - **705sqm** public amenity space elsewhere;
 - **2199sqm** private amenity space (653.42sqm in balconies, 1,137sqm in rood terraces, 403.3sqm in ground floor gardens)
 - Within these spaces is **128sqm** of defined children's play space within the above totals, comprising of Block A courtyard (68sqm), and Nelson's Walk (60sqm),
- 8.45 The total amenity space provision is **4469sqm**. As such, the combination of public, communal and private amenity space provision across the scheme exceeds the total required provision of the LBTH adopted UDP and Interim Planning Guidance standards. It is therefore considered acceptable on balance as meeting the needs of future occupiers.

Design and Access

- 8.46 Pursuant to The London Plan (Consolidated 2008), Policy 4B.1 'Design Principles for a Compact City' requires schemes, amongst other criteria, to create/enhance the public realm, respect local context/character and be attractive to look at. Policy 4B.9 'Tall Buildings – Location' outlines related Plan policies and considerations for the siting of tall buildings which includes tall buildings as a “*catalyst*” for regeneration. Policy 4B.10 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations including context, attractiveness and quality. CABE and English Heritage Guidance on tall buildings as previously discussed in section 6, also informs the consideration of tall buildings.
- 8.47 In consideration of the LBTH UDP 1998, Policy DEV1 'Design Requirements' indicates development should be sensitive to the area and the capabilities of the site. Consideration of street frontages, as well as providing for safety and security should also be considered. Within the Interim Planning Guidance Policy CP4 'Good Design' states that buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 'Tall Buildings' confirms that tall buildings can be considered anywhere when accompanied by the appropriate justification. They should contribute to a high quality, attractive environment, respond to context and contribute to vitality. These considerations amongst other matters also form part of the criteria of Policy Dev27 Tall Buildings Assessment of the LBTH Interim Planning Guidance.
- 8.48 The design is considered to accord with the above policies and is acceptable, as discussed in more detail below.
- 8.49 Objections have also been received raising concern about the design quality and visual impact of the scheme. Others have argued that the scheme needs a high quality design to replace the attractive hospital buildings.
- 8.50 The buildings have a pleasing appearance and high quality finish. They will contribute positively to the varied architectural character and form of the area. The development will act as a potential catalyst for regeneration envisaged in the Bromley-by-Bow Masterplan.
- 8.51 Objections were raised to the scheme's impact on the character of Devas Street, and its bulk and height relationships.
- 8.52 The building line of the perimeter block is considered to be successful in addressing the street frontages of Devas Street and Devon's Road. The scheme contributes to the creation of a series of publicly accessible streets on site. This will help establish the evolving residential character of the area, thereby contributing to a sense of place and identity for the area.
- 8.53 The streets and open spaces proposed will improve the permeability of the site and its linkages to the surrounding area. This benefit will be realised by existing residents of the surrounding area, as well as the future occupiers.
- 8.54 The series of high-quality and varied public open spaces and communal courtyards offer a range of spaces to cater for the passive, recreational and play needs of future users.
- 8.55 Active ground floor uses across the site, including residential C3 dwellings, will enliven street frontages by contributing to round-the-clock activity. This positively enhances the safety and security of users and minimises any potential crime opportunities.
- 8.56 The creation of wider footpaths on Devon's Road and Devas Street will provide the following benefits:

- Improved visual amenity of the street scene in terms of openness;
- Improved pedestrian infrastructure; and
- Increased pedestrian flows as a consequence of the improved connectivity to the Bromley-by-Bow Station.

- 8.57 The scheme successfully provides for the access and servicing needs of the development including refuse storage and collection, bicycle storage and parking for people with a disability. The location of facilities and the level of provision are acceptable to the LBTH Highways, Strategic Transport and Waste teams. It is further considered that the intensity of development can be accommodated without a significant impact on the local road system, The site benefits from a Public Transport Accessibility Level (PTAL) 5.
- 8.58 Energy efficient and renewable measures have been incorporated into the scheme including green roofs, Combined Heat and Power (CHP) system and bio-fuel boilers. This means the proposal achieves the required carbon reduction percentage, as well as the percentage of energy to be generated by renewable means.
- 8.59 For the above reasons, the design is considered to be a thoughtful, high quality and a successful approach to redevelopment. The scheme has been extensively reviewed and influenced by officers as well as the Metropolitan Police and found to be acceptable. Specific attention has been paid to the amenity for neighbours and future occupiers as discussed in the next section. In addition, treatment of the public spaces and connectivity have been improved. As such, the scheme is supported as being a high quality and a successful design solution.

Amenity

Future Occupiers and Users

- 8.60 The consideration of amenity for future occupiers are identified in Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policy ST23 Housing of the adopted Unitary Development Plan 1998 and Policy CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3.
- 8.61 The level of amenity achieved for future occupiers of the development is considered acceptable for the following reasons:
- Floorspace schedules for Block A achieves the total minimum floorspace standards, in accordance with the LBTH Supplementary Guidance on Residential Space Standards;
 - Amenity space is appropriately provided in the development. All units benefit from private amenity space either in the form of a balcony, roof terrace or ground floor garden. In addition, the variety, quality and amount of communal and public open spaces and outdoor space is achieved and will cater of the needs of residents;
 - The application provides a variety of bicycle parking options for residents. These include Sheffield stands within public and communal areas, landscaped storage racking systems in the courtyard and dedicated storage rooms within the building footprint, adjacent to residential foyers. Bicycle parking has been the subject of extensive negotiation with officers. The variety, location and quantity (194 spaces) provided is acceptable;
 - The arrangements for waste and recycling facilities in the draft management plan are acceptable. The final details of the management of facilities will be secured by condition;
 - Having regard for the Building Research Establishment (BRE) guidance, all residential C3 units in the detailed application benefit from sufficient internal levels

- of light to the satisfaction of the Environmental Health Team;
- No significant privacy/overlooking impacts will be experienced through the development. Courtyard dimensions as well as the separation between future blocks A – E achieve at least 18m in the majority of cases;
- Ground floor private amenity spaces will be separated from public and communal spaces through a combination of hard and soft landscaping. The detailed design of these relationships is controlled through a condition requiring full particulars of landscaping;
- No significant microclimate effects will be experienced on site. Public areas will achieve sufficient levels of comfort levels for their intended use;
- Any air quality impact posed by the surrounding area will be tolerable, subject to an appropriately worded condition for further sampling and subsequent installation of mitigation measures;
- Noise and vibration impacts have also been assessed. No significant impact is posed by either the railway track to the north. An appropriately worded condition is recommended for the inclusion for full details of the noise mitigation measures to address road noise;

Neighbour Impacts

- 8.62 The consideration of impacts to neighbours are addressed in policies 4B.10 of the Mayor's London Plan (consolidated 2008), DEV1 of the LBTH Interim Planning Guidance, and DEV2 of the LBTH Unitary Development Plan 1998. Objections were received raising concern for loss of light, privacy, and outlook.
- 8.63 The scheme is considered acceptable for the following reasons:
- There is no significant overshadowing and loss of light to adjacent properties other than to one ground floor living room window at 144 Devons Road to the west of the site. The assessment has considered the Average Daylight Factor (ADF) test within the Building Research Establishment (BRE) good practice guide, 'Site Layout Planning for Daylight and Sunlight'. The living room window of 144 Devons Road achieves an ADF of 0.8% and the pass rate for living rooms is 1.5%. The Environmental Health team have extensively scrutinized this aspect of the scheme and consider this impact is tolerable since all other windows pass BRE tests and benefits of the scheme are considered to outweigh the single failure. Furthermore, on balance, the benefits of the scheme are considered outweigh this issue;
 - There is no significant noise or general disturbance impacts to warrant refusal. Impacts during the construction phase will be mitigated by a condition requiring a Construction Management Plan. In the operational phase, the intended uses are compatible with the area and not considered to pose concern. It should be noted that a condition will require a management plan for the community and leisure facilities, further ensuring no impact upon the amenity of the area;
 - In respect of privacy/overlooking impacts, window-to-window separation of at least 18m is achieved to all neighbouring properties other than 16m to 144 Devon's Road. This relationship is not considered to pose a significant concern given that it is a relationship across a public street. Furthermore, the variable building setback of Block A means the 16m separation is only at a single pinch point at the northern end of the façade;
 - Whilst the scheme will pose some impact to outlook, it should be noted that the St Andrews hospital buildings would have limited the outlook of neighbours to some extent. Along Devon's Road for example, the 'existing' drawings indicate the hospital comprised of buildings of between 3-5 storeys. The additional scale and height of the proposal is considered positive, given the high quality design proposed;
 - No significant air quality impacts are posed. It is noted that a condition requiring a construction management plan will deal with air quality impacts at the construction phase. At the operational phase, the development including traffic generation will

not contribute any significant effect upon air quality. An appropriate condition is recommended for full particulars of the emissions of the bio-mass boiler at the detailed design stage;

- No significant traffic impacts posed to the local road system in the opinion of the LBTH Highways Team. They consider that the local road system is capable of accommodating the additional increase traffic generated;
- To address potential parking impact in the local streets, future occupiers will be exempted from applying for parking permits. This restriction will be secured through a s106 planning obligation;
- In respect of pedestrian impacts and safety, the building setbacks facilitate increased pavement widths in Devas Street and Devon's Road which will accommodate additional pedestrian activity. Also, s106 contributions for local highway improvements will benefit pedestrians in this area;
- The associated benefits of the scheme in respect of improved connectivity, permeability, open space provision, upgrade to the Bromley-by-Bow station, and introduction of a healthcare facility will be of a positive benefit to local residents.

8.64 Therefore, amenity for future occupiers and neighbours has been adequately addressed. On balance, the scheme is considered acceptable in this regard.

Transport

8.65 Transport provision and impact is considered in PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan (Consolidated 2008), Policies ST25, ST28, ST30, of the adopted UDP 1998 and Policies CP1 'Creating Sustainable Communities, CP41 'Integrating Development with Transport' CP43 'Better Public Transport', DEV16 'Walking and Cycling Routes and Facilities' of the LBTH Interim Planning Guidance 2007.

8.66 Objections have been received in respect of impact to the capacity of Bromley-by-Bow Station, traffic congestion, parking stress, congestion on pedestrian pavements, and the need to invest in transport infrastructure.

8.67 In relation to access, parking, traffic generation, deliveries/servicing, waste collection, impact on public transport, these issues have been considered and are acceptable.

8.68 The Highways team have also considered bicycle parking provision is acceptable.

8.69 The Highways team also recommend a s278 agreement for highway improvements.

8.70 Overall, the scheme adequately caters for the transport access and infrastructure requirements for future users. Moreover, in terms of the whole scheme for the redevelopment of the St Andrews site, no significant impacts are posed to the local highway network in terms of safety, and parking stress. Any impact in terms of traffic generation and queue lengths is tolerable and not a reasons to refuse the application. Therefore the scheme is acceptable and recommended for approval.

Environmental Statement

8.71 The application was supported by an Environmental Statement (ES) which considered matters including:

- accessibility,
- sustainability,
- site prep and construction,
- traffic and transportation,

- Socio-economics,
- archaeology and built heritage
- microclimate,
- daylight/sunlight/overshadowing/light spillage/solar glare,
- ground conditions,
- water resources/drainage/flood risk,
- Air quality,
- noise/vibration,
- electronic interference,
- Aviation,
- ecology,
- townscape and visual impact,
- cumulative impact,
- residual impacts

- 8.72 A Regulation 19 request for further information was made in respect of chapters 8 Socio-economics, 11 Daylight, 12 Archaeology, 19 Ecology, 20 Cumulative and Volume 2 Summary. The additional clarification and information provided was placed on renotification.
- 8.73 Overall ES and the Regulation 19 information were considered satisfactory and sufficient to assess the application. The scheme is acceptable since there are no significant impacts identified to warrant refusal.

Planning contributions

Background

- 8.74 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations. Obligations can take the form of private agreements or unilateral undertakings given by a developer and are *'intended to make acceptable development which would otherwise be unacceptable in planning terms'*.
- 8.75 Securing planning contributions that are relevant to mitigation of the impact of the scheme have been secured as part of the outline application. In the scenario that the outline and subject applications are both approved, an addendum agreement will be necessary to secure the affordable housing in Block A of phase 1. However, in the scenario that the outline application is refused, planning contributions to mitigate the impact of 194 units need to be secured. This would necessitate a pro-rata contribution for the heads terms negotiated as part of the outline scheme and would be as follows:
- A proportion of **57%** based on habitable rooms of the proposed units to be provided as affordable housing with a 47:53 split between social rent and shared ownership tenures;
 - Provide **£704,200.00** towards the upgrade to Bromley-by-Bow station upgrade and connectivity improvements;
 - Provide **£345,166.25** towards education to mitigate the demand of the additional population on education facilities;
 - Provide **£50,300.00** towards highway improvement works; and
 - Provide for car club, car-free agreement, Travel Plan, TV reception monitoring and impact mitigation, and employment/training initiatives.

Other

Community consultation

- 8.76 Objections were received about consultation and that resident's views were not considered.

In addition to the formal notification of the application by LBTH (see section 7) the applicant's separately undertook public consultation. This is set out in the Statement of Community Involvement. The consultation was undertaken in June, July, August and September 2007. This consisted of:

- A launch event in June 2007
- A local stakeholder contact program
- Website with reference to a telephone hotline and email address form seeking further advice
- Press release
- Workshops/exhibitions in July 2007
- Representation at the 'Unity' community festival in July 2007
- Feedback on the first phase of the engagement and consultation
- Public workshops and exhibitions in December 2007
- Meetings in November and December 2007 with local stakeholders
- A newsletter was issued 1 February 2008-09-15
- Art workshops with local schools were organised

- 8.77 The community feedback is summarised in the Statement of Community Involvement and was in respect of topics including: existing building; principle of development and housing need; accessibility; education; community amenities; employment schemes; retail provision; open space provision; safety and security; transport and parking; the A12. The document sets out the changes made to the scheme taking on board the comments and suggestions made.

- 8.78 A further consultation event was held June 2008 and an associated newsletter was produced.

- 8.79 Consequently, there is sufficient evidence indicating that the public has been engaged and their views considered in the development of the scheme.

Phasing

- 8.80 As part of the consideration of the outline scheme, an appropriately worded condition is recommended for a phasing plan to be agreed.

Impact on local resources

- 8.81 Objections were received in respect of the strain on local resources with particular mention of schools, doctors, public transport and utilities. The impact is considered to be appropriately mitigated for the following reasons:

- The full education contribution is secured to mitigate the effect of the increase in population;
- In respect of healthcare, the scheme provides a primary care trust facility, predicted to employ up to 16 general practitioners and servicing up to 20k people;
- In respect of transport, the scheme was given extensive consideration by the Highways team as discussed under Transport. No significant impacts are posed, it should be noted that the full planning contributions for the upgrade to the Bromley-by-Bow Underground station, as well as local highways improvements are proposed in the outline scheme; and
- In respect of utilities, it is the responsibility of the developer to ensure sufficient supply and connection to necessary infrastructure. Notwithstanding, the scheme was referred to Thames Water and National Grid for consideration and appropriately

worded conditions are recommended specifically relating to water supply infrastructure. This will ensure that future occupiers have access to the necessary infrastructure without impact to the surrounding area.

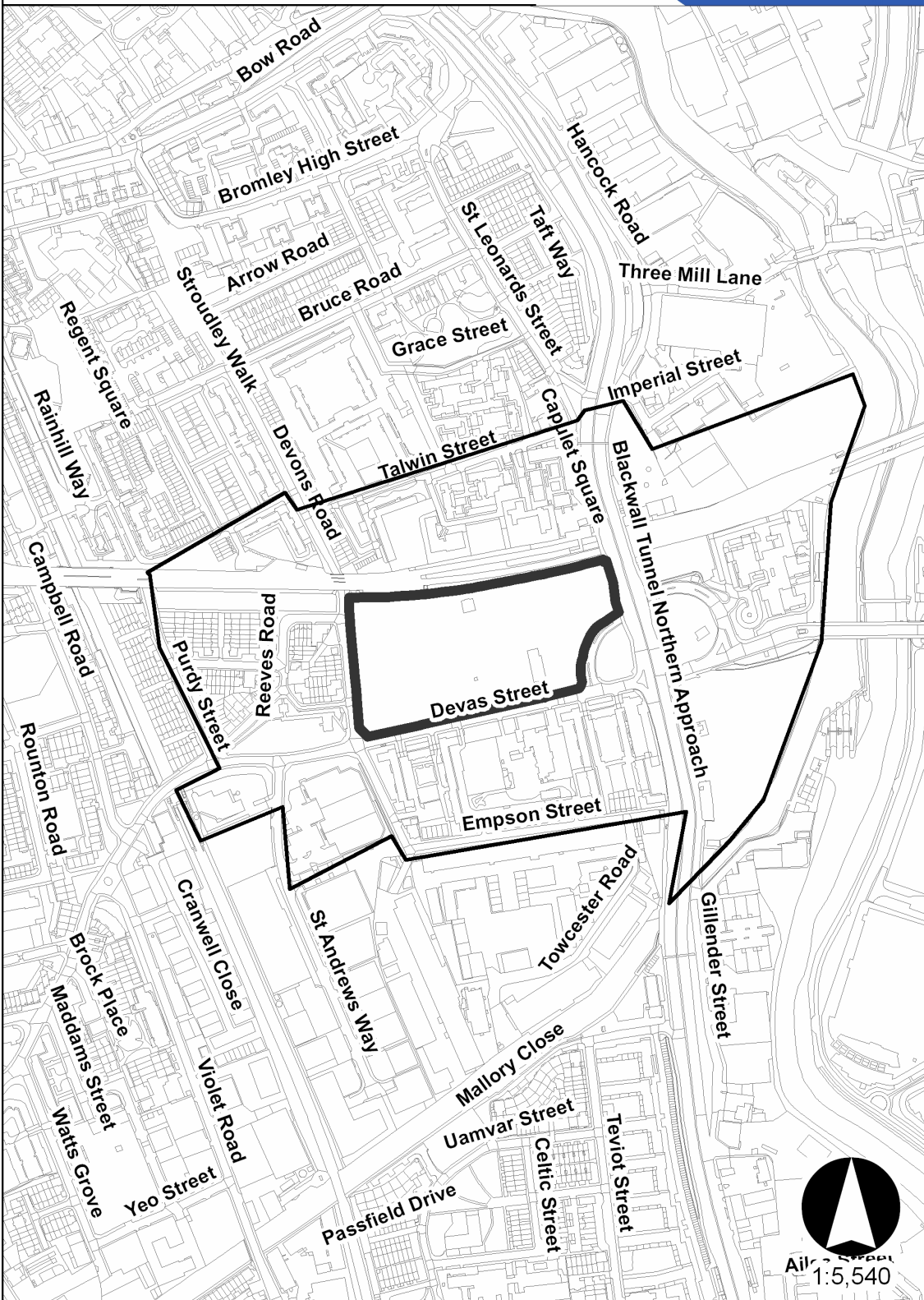
Other

- 8.82 In respect of the matter of terrorism, the scheme has been considered by the Metropolitan Police. No threat or risk in this respect has been identified. No evidence as been submitted specifying any probable threat of terrorism for this scheme and in this location. Furthermore, safety and security is maximised by the scheme's design as previously discussed. In addition, this issue is considered to be balanced by the regeneration benefits of this scheme.
- 8.83 In respect of the impact to TV reception, the s106 planning agreement obliges the developer to undertake testing through the course of developing the site and undertake mitigation where necessary. It is noted this will address any potential impact to TV reception. Fixed line and mobile phone reception is not considered to be affected by the development and no significant issues are identified in the ES.

9. Conclusions

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application
Site Map



Planning Application Site Boundary



Consultation Area



Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

Agenda Item 7.3

Committee: Strategic Development	Date: 09 October 2008	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Jason Traves		Ref No: PA/08/01321	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: Site At 2 Trafalgar Way

Existing Use:

Proposal: Redevelopment of the site to provide a residential-led, mixed use scheme comprising 355 residential units, 48 serviced apartments, re-provision of a drive-through restaurant (Class A5), retail or financial and professional service units (Class A1/A2), crèche, gymnasium, associated amenity space and car parking.

Drawing No's: Plan No's:

950-100-C3; 950-32-C2; 950-SK-34; 950-33-C2

0215: A0000-01; A1000-01; A1100-01; A1101-01; A1102-01, A1103-01; A1104-03; A1105-03; A1106-03; A1107-03; A1108-03, A1109-03; A1200-01, A1201-01; A1202-02; A1203-01; A1300-01; A1301-01; A1302-01; A1303-01; A1304-01; A1305-01; A1306-00; A1307-01; A1400-01; A1401-01; A1402-01

1045: L90-200-G; 201-E; L90-202-B; L90-203-A; L90-204-A; L90-300-D

Documents:

Planning Statement
 Supplement to Planning Statement
 Archaeology Assessment
 Affordable Housing Toolkit
 Statement of Community Involvement
 Design and Access Statement
 Energy Renewable Toolkit
 Addendum to the Energy renewable Toolkit
 Environmental Statement – Non Technical Summary
 Environmental Statement – Volume 01
 Environmental Statement – Volume 02
 Environmental Statement – Volume 03
 Transport Assessment
 Addendum to Transport Assessment
 Service Apartment Provision at 2 Trafalgar Way, Canary Wharf

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

Applicant: 2 Trafalgar Way Limited and McDonalds Real Estate LLP Limited
Owner: As above
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

(1) The principle of a mixed use scheme is acceptable on this site as supported by PPS1: Creating Sustainable Development, as well as Policies 2A.1, 2A.9, 3B.1, 3B.3 and 5C.1 of the London Plan (Consolidated 2008) which seeks the efficient use of sites, in a way that is sustainable.

(2) A high density scheme is considered to be an efficient use of the site that results in no significant adverse impact. Whilst exceeding the density nominated in the London Plan (Consolidated 2008) and LBTH Interim Planning Guidance (2633 habitable rooms per hectare) it is considered to be acceptable on balance for the following reasons:

- The scheme is of high architectural quality;
- A tall building is appropriate in the areas context;
- There are no symptoms of overdevelopment;
- There are no adverse impacts to neighbours, residents and users of the site;
- There is access to public transport;
- Significant planning contributions have been secured to mitigate the demand for local facilities and services.

(3) The scheme is considered to deliver good-quality housing that will cater for the needs of residents within the Borough. The scheme provides for the maximum possible affordable housing (30%) having regard to the Affordable Housing (Three Dragons) toolkit. It is also balanced by the need to secure planning contributions in other matters. On balance, it is acceptable in respect of Policy CP22 of the LBTH Interim Planning Guidance which seeks affordable housing to ensure a balanced and mixed community.

(4) The proposed family housing achieves the amount required in the social rent and shared ownership tenures, pursuant to CP21 of the Interim Planning Guidance. It therefore meets housing needs in this respect. In terms of overall family housing provision (24%), the scheme considerably exceeds the levels secured borough-wide as shown in the LBTH Annual Monitoring Report 2006/7. Moreover, it is considered acceptable in view of the tight confines of the site. As such, the scheme is in line with Policy CP21 which seeks to ensure a sustainable community.

(5) In addition to the provision of affordable and family housing, there is a good standard of residential amenity achieved in this scheme. In particular:

- All flats exceed the minimum floorspace standards in accordance with HSG13 of the LBTH Adopted UDP 1998 and 'Residential Space' SPG;
- Communal amenity open space is provided in accordance with HSG16 of the LBTH adopted UDP 1998, Policy HSG7 of the Interim Planning Guidance and Residential Space SPG;
- Every flat has a balcony;
- A children's play area and crèche is provided in accordance with HSG16 of the LBTH adopted UDP 1998, Policy HSG7 of the Interim Planning Guidance and Residential Space SPG;
- Over 10% wheelchair housing is provided in accordance with HSG9 of the Interim

Planning Guidance;

- The scheme has been designed to Lifetime Homes standards, in accordance with HSG9 of the Interim Planning Guidance.

(6) The architectural quality of this tall building is appropriate for the site. Additionally, it has no significant visual impact posed on the surrounding context. Consideration of the criteria of tall buildings policy DEV27 'Tall Buildings Assessment' LBTH Interim Planning Guidance and Policies 4B.1 'Design Principles for a Compact City', Policy 4B.10 'Large-Scale Buildings – Design and Impact' and Policy 4B.9 'Tall Buildings – Location' of The London Plan (Consolidated 2008) indicate that the scheme satisfies the context, design, and amenity criteria and is therefore appropriate in this location. Furthermore, there are no adverse impacts upon views, including those from St Annes Church or any significant impact to the view from General Wolfe Statue in Greenwich Park pursuant to The Mayor's London View Management Framework' 2007. As such, the proposal is in line with Policy DEV27 'Tall Buildings Assessment' LBTH Interim Planning Guidance and Policies 4B.1 'Design Principles for a Compact City', Policy 4B.10 'Large-Scale Buildings – Design and Impact' and Policy 4B.9 'Tall Buildings – Location' of The London Plan (Consolidated 2008) which seek to ensure tall buildings have high architectural quality and are appropriately located.

(7) No significant loss of privacy, overlooking, noise and disturbance or overshadowing impacts to neighbours are identified. Therefore, the proposal is in accordance with DEV2 of the LBTH Adopted UDP 1998, and Policy DEV1 of the Interim Planning Guidance which seek to protect neighbour amenity.

(8) The scheme is considered to be within the transport capacity of the area, with no significant impact posed. An extensive analysis indicates that the local road system has the capacity to accommodate the trips generated by this scheme. It is also considered that there is no safety impact posed to residents and users on site, owing to the ground floor level design. In respect of the re-provision of MacDonald's car parking and drive-thru facility, these were already approved. The residential car parking is below the maximum threshold for residential parking provision suggested by policy and is therefore considered acceptable. Finally, the scheme secures planning contributions to upgrade the Aspen Way roundabout. This will improve access between the site and Blackwall DLR station giving future residents improved public transport accessibility to greater London. Therefore the scheme is considered to be in accordance with PPG13 as well as Policies 2A.1, 3A.7, and 3C.1 of the London Plan (Consolidated 2008) and Policies CP1, CP41, CP43, DEV16 of the LBTH Interim Planning Guidance which seek to ensure development in sustainable locations, which caters for the needs of future residents and users, without unacceptable harm to the local area.

(11) The scheme secures significant planning contributions to mitigate the demand of additional residents on local facilities and services. In accordance with Circular 05/2005 of planning contributions, the scheme secures affordable housing (30%) as well as contributions for transport, education, health and amenity space improvements and to acoustic barrier treatment along Aspen Way. The contributions have increased significantly as compared to the original offer. Following extensive analysis, they are considered to represent the maximum contribution possible. Therefore, the contributions are considered acceptable.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

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

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

- a) A proportion of **30%** based on habitable rooms of the proposed units to be provided as affordable housing with a 70:30 split between social rent and shared ownership tenures;
- b) Provide **£1,340,480.00** towards highway improvements;
- c) Provide **£542,440.00** towards education to mitigate the demand of the additional population on education facilities;
- d) Provide **£488,480.00** towards medical facilities to mitigate the demand of the additional population on medical facilities;
- e) Provide **£468,600.00** towards an improved public space between the site and Poplar Dock to supplement the private and communal open space achieved of site;
- f) Provide for car club, car-free agreement, Travel Plan, TV/radio reception monitoring and impact mitigation, employment/training initiatives, public art opportunity

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions:

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
 - External appearance and materials board
- 3) Full particulars of the children's play area are required
- 4) Parking for a maximum 97 cars (60 x residential basement spaces, 37 x MacDonalds restaurant spaces)
- 5) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 6) Piling hours of operation limits (10am – 4pm)
- 7) Details of insulation of the ventilation system and any associated plant required
- 8) Wheel cleaning facility during construction
- 9) Renewable energy measures, satisfying 20% of energy demand to be implemented in accordance with the ES and Renewable Energy Toolkit.
- 10) Land contamination study required to be undertaken with remediation certificate
- 11) Method of piling to be implemented as required by EA
- 12) No infiltration to ground waters required by the Environment Agency (EA)
Flood warning system as required by the EA
- 17) Archaeology details required by English Heritage
- 18) Full particulars of a delivery and servicing plan to be agreed prior to the commencement of development
- 19) Full particulars of insulation measures, including the barrier around the children's play area, shall be provided in accordance with the PPG 24 noise assessment contained in the ES
Full particulars of air quality criteria including background values, receptors, and mitigation are required
- 20) The waste and recycling facilities to be provided in accordance with the approved plans
- 21) Construction Management Plan required
- 22) Full particulars of the green roof to be provided
- 23) Full particulars of extract ventilation and ductwork
- 24) Lifetimes Homes standards and 10% should be wheelchair accessible
- 25) No roller shutters on commercial units
- 26) Code for sustainable homes compliance
- 27) Full details of the CHP are required

- 28) Water supply impact studies to be agreed prior to commencement as required by Thames Water
- 29) Details of works to highways to be submitted
- 30) Full particulars of PVs are required
- 31) Full particulars of the air quality mitigation measures to be submitted
- 32) Any additional conditions as directed by the Corporate Director Development and Renewal

Informatives

- 1) Subject to s106 agreement
- 2) Consult the Environment Agency in terms of conditions 10-17
- 3) Consult Metropolitan Police in terms of conditions 2 & 3
- 4) Consult English heritage on materials condition 2
- 5) Consult LBTH Parks, LBTH landscape, natural England, BW and English Nature on the s106 for poplar dock
- 6) Consult port of London authority form construction mgt plan
- 7) Site notice specifying the details of the contractor required
- 8) EA prior approval for dewatering
- 9) Registration of food premises
- 10) Inspection prior to occupation
- 11) Obtaining consent under the pollution act prior to commencement
- 12) Submission of an archaeological project design
- 13) S278 highways agreement
- 14) Licence for structures oversailing the public highway
- 15) Drainage provision
- 16) Fitting petrol/oil interceptors
- 17) Installation of fat traps
- 18) Water supply provision.
- 19) No adverts without consent
- 20) Surface water discharge (BW)
- 21) Advert consent required for all signage
- 22) Bird boxes and planting bluebells per Thomson ecology recommendations
- 23) Dock wall concern of BW

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal is for redevelopment of the MacDonald's restaurant/drive-thru site to provide a residential-led mixed use scheme. It includes two towers of 29 storey and 35 storeys in height. It is proposed to include 355 residential units, 48 serviced apartments, reprovision of the drive-through restaurant, retail / financial and professional service units, a crèche and gymnasium. In addition amenity space including a children's play area atop a podium level is proposed. Car parking is provided at ground level for the drive-through restaurant and in a basement for the residential units.
- 4.2 The details of the scheme are as follows:
 - The provision of 604sqm Gross Estimated Area (GEA) of restaurant (A3) floorspace and 163sqm Retail (A1/A2) predicted to generate between 30 jobs in the operational phase and 146 jobs during the construction phase;

- 21,799sqm of residential (C3) flats with sizes ranging between studio – 5 bedroom;
- Affordable housing provision which equates to 30% of total habitable rooms;
- Residential design that achieves level 3 for the Code for Sustainable Homes Criteria as well as 12% wheelchair housing;
- Incorporation of energy efficient and sustainable measures (i.e. the Combined Heat and Power plant) into the scheme that reduce carbon emission by 20%;
- A total of 6069sqm of amenity space comprising:
 - 2400sqm of private amenity space for residential C3 flats in the form of balconies;
 - 219sqm of private amenity space for the short-term let apartments in the form of balconies;
 - 380sqm of children’s playspace at podium level;
 - 420sqm communal space at podium level;
 - 100sqm associated with the podium level crèche;
 - 2550sqm of publicly accessible space at ground floor level, located between the site and Poplar Dock which will be upgraded as part of the s106 planning contribution undertaking;
- The provision of 97 car parking spaces comprising 60 spaces for the residential (C3) uses and 37 spaces for the MacDonald’s restaurant. 2 spaces of the MacDonalds parking are for people with a disability whilst all spaces in the residential are accessible for people with a disability;
- The provision of 407 secure cycle spaces for both residential and employment components of the mixed use scheme as well as visitors to the site; and
- The provision of refuse and recycling facilities

4.3 Noteworthy features of the scheme including the towers and the basement are described in paragraphs 4.3 and 4.4 of the May 2008 Strategic Development Committee Report which is **attached**.

Differences between the previous and current schemes

Overview

- 4.4 The differences are summarised as follows:
1. The change in use of 48 residential (C3) units into serviced apartments on levels one to three;
 2. A subsequent reduction in the residential units from 397 to 355;
 3. Installation of a 5.3m high acrylic transparent noise barrier surrounding the perimeter of the podium level of the children’s playspace;
 4. The provision of photo voltaic (PV) panels at roof level.
 5. Improvements to the wider vision landscaping and public realm including increased planting and additional public art locations identified

Floorspace

4.5 The changes in quantum of each landuse is summarised as follows:

Floorspace

Use	Proposed area PA/08/1321 (GIA sqm)	Change compared to previous app PA/07/274 (GIA sqm)
Residential (C3)	29,705sqm 355 units	- 3,552 - 40 units
Serviced Apartments (C1)	3,217 48 units	+ 3217 + 48 units
Retail (A1, A2)	132	- 31
Restaurant/drive-thru (A3/A5)	604	No change

Creche (D1)	98	No change
Health Club (D2)	88	No change
Total	33,844	- 366

Residential C3 unit mix by tenure

- 4.6 The differences in the schedule of residential C3 accommodation for both schemes are evident in the following tables:

Dwelling Schedule

Withdrawn scheme PA/08/274 (Hab rms)	Market Sale	Social Rent	Shared Ownership
Studios	63 (63)	-	4 (4)
1 Bedroom flat	86 (172)	5 (10)	10 (20)
2 Bedroom flat	105 (315)	12 (36)	13 (39)
3 bedroom flat	47 (188)	33 (132)	9 (36)
4 Bedroom flat	0 (20)	7 (35)	-
5 Bedroom flat	0	1 (6)	-
Total Units	301 (758)	58 (219)	36 (99)
Total Affordable Units		94	(318)

Dwelling schedule

Current scheme PA/08/1321 (Hab rms)	Market Sale	Social Rent	Shared Ownership
Studios	54 (54)	-	10 (10)
1 Bedroom flat	77 (154)	1 (2)	11 (22)
2 Bedroom flat	90 (270)	12 (36)	15 (45)
3 bedroom flat	45 (180)	31 (124)	2 (8)
4 Bedroom flat	-	7 (35)	-

Total Units	266 <i>(658)</i>	51 <i>(197)</i>	38 <i>(85)</i>
Total Affordable Units		89	<i>(282)</i>

Family housing by tenure

4.7 A comparison of family sized housing between the schemes is summarised below. In the subject application, family housing comprises:

- 75% of flats in the market tenure (5% rise);
- 5% in the shared ownership tenure (20% drop); and
- 17% in the market tenure (1% rise).

Overall, there is a reduction in total family housing to 24% (1% drop).

Family Housing

Tenure	% Policy req't	% PA/08/274	% PA/08/1321
Social-rented	45	70	75
Intermediate (Shared ownership)	25	25	5
Market	25	16	17
Total	30	25	24

Amenity space

4.8 The scheme provides the same amount of amenity open space as the previous application. In summary it provides a total of 6069sqm of amenity space comprising:

- 2400sqm of private amenity space for residential C3 flats in the form of balconies;
- 219sqm of private amenity space for the short-term let apartments in the form of balconies;
- 380sqm of children's playspace at podium level;
- 420sqm communal space at podium level;
- 100sqm associated with the podium level crèche; and
- 2550sqm of publicly accessible space at ground floor level, located between the site and Poplar Dock which will be upgraded as part of the s106 planning contribution undertaking.

Site and Surroundings

4.9 The island site has a total area of 0.4 hectares and is located to the south of Aspen Way and to the North of Poplar Dock. The site slopes down gently towards the east. The site is currently occupied by a MacDonald's restaurant and drive-thru takeaway facility. The site currently benefits from landscaping and on-site car parking for 41 cars.

4.10 Pursuant to the London Borough of Tower Hamlets (LBTH) adopted Unitary Development Plan (UDP) 1998, the following designations apply:

- Central Activity Zone;
- Flood Protection Area;

- is within 200m of east-west Crossrail; and
- is adjacent a site of nature conservation importance.

Pursuant to the LBTH Interim Planning Guidance (IPG) the site is identified as site 'ID58' and is proposed to be used for residential (Class C3) and employment (Class B1) purposes. It also falls within a Flood Risk zone 2 – 3.

- 4.11 Pursuant to the Isle of Dogs Area Action Plan (AAP), the site is specifically identified as site 'ID58' (for Residential C3 and Employment B1 uses), is adjacent to a new housing focus area and the Crossrail route.
- 4.12 Pursuant to the Mayor's London Plan, the site is identified within an area of regeneration, is adjacent to the Canary Wharf Opportunity Area and is within an area with a Public transport Accessibility Level (PTAL) of 6a.
- 4.13 Pursuant to the Mayor's East London Sub-regional Development Framework, the site is identified within a mixed use area with strong arts, cultural and entertainment character.
- 4.14 To the north of the site is Aspen Way, and further north is a mix of predominantly residential development. To the south is a recent residential development and the Poplar Dock marina. To the west is Billingsgate Market and Canary Wharf, whilst to the east is a mix of residential and commercial floorspace (office and retail) as well as a hotel. Blackwell DLR station is close to the site, to its north east, across Aspen Way.

Planning History

The previous application, PA/08/274 was for redevelopment to provide a residential-led, mixed use scheme. The scheme comprised of two towers of 29 and 35 storeys in height respectively. The proposed use was 397 residential C3 units, the re-provision of the drive-through restaurant, as well as retail, financial and/or professional service units. Also, a crèche and gymnasium. The scheme provided amenity space including a children's play area located atop a podium level. Residential C3 parking was proposed in a basement whilst ground floor parking would be retained at ground floor for the restaurant use.

- 4.16 At the meeting of 29th May 2008, the Strategic Development Committee resolved to refuse the application. Consequently, the decision notice was prepared with a reasons for refusal as follows:

"1. The development is located in close proximity to major arterial roads containing very high levels of traffic that result in poor air quality and high noise levels (Noise Category Level D as identified in PPG24). The design of the development, consisting of a high density pair of towers atop a podium, has not responded appropriately to the constraints of the site, will create a low level of residential amenity for future residents and does not enable well designed mitigation of the external noise and pollution impacts. The development in its current form is therefore considered to be poorly designed for residential development and does not comply with PPS 23 and PPG 24, policies 3A.3, 4B.1, 4B.9 and 4B.10 of the London Plan (Consolidated with Alterations since 2004); policies ST23, DEV1 and DEV2 of the Unitary Development Plan 1998 (as saved 2007) and policies CP1, CP3, CP4, CP20, CP48, DEV1, DEV2, DEV5, DEV10, DEV11, DEV27 and HSG1 of the Interim Planning Guidance 2007: Core Strategy and Development Control, which seek to ensure appropriate levels of environmental amenity for future residents."

- 4.17 It is noted that the application was withdrawn by the agent on 02 July 2008, prior to issuing the decision notice.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

Unitary Development Plan 1998 (as saved September 2007)

Proposals: CAZ, Flood Protection Area, within 200m of east-west Crossrail, adjacent a site of nature conservation importance

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV46	Protection of Waterway Corridors
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV69	Efficient Use of Water
	EMP1	Promoting economic growth and employment opportunities
	EMP5	Compatibility with Existing Industrial Uses
	EMP6	Employing local People
	EMP8	Encouraging Small Business Growth
	EMP10	Development Elsewhere in the Borough
	EMP12	Business Uses in Industrial Employment Areas
	EMP13	Residential Development in Industrial Employment Areas
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG 14	Provision for Special Needs
	HSG15	Development Affecting Residential Amenity
	HSG16	Housing Amenity Space
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	S10	Requirements for New Shop front Proposals
	OS9	Children’s Playspace
	U2	Development in Areas at Risk from Flooding
	U3	Flood Protection Measures

Interim Planning Guidance for the purposes of Development Control (October 2007)

Proposals: IPG – ID58 (Res C3, Employment B1), Flood risk zone 2 and 3, Isle of Dogs AAP
IOD AAP – , mixed use site, ID58 (Res C3 Employment B1), adjacent new housing focus area, adjacent res led mixed use adjacent crossrail route

Core Strategies:	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure

	CP9	Employment Space for Small Businesses
	CP11	Sites in Employment Use
	CP15	Provision of a Range of Shops and Services
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP24	Special Needs and Specialist Housing
	CP25	Housing and Amenity Space
	CP28	Healthy Living
	CP29	Improving Education Skills
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
	EE1	Industrial Land Adjoining Industrial Land
	EE2	Redevelopment/Change of Use of Employment Sites
	EE3	Relocation of Businesses Outside of Strategic Industrial Locations and Local Industrial Locations
	RT3	Shopping Provision Outside of Town Centres
	RT4	Shopping Provision Outside of Town Centres
	HSG1	Determining Housing Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG4	Ratio of Social Rent to Intermediate Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing

Supplementary Planning Guidance/Documents

Residential Space Standards
 Archaeology and Development
 Isle of Dogs Action Plan (AAP)

The Mayor's Spatial Development Strategy for Greater London, The London Plan (Consolidated with Alterations since 2004) 2008

Consider adding 2A.7, 2A.10, 3A.3, 3A.6

London Plan – area for regeneration, adjacent canary wharf opportunity area

East London Sub-Regional Development Framework – Mixed uses with strong arts, cultural and entertainment character

PTAL 6a (area only)

Polices	2A.1	Sustainability Criteria
	2A.7	Areas for Regeneration
	2A.9	The suburbs: Supporting Sustainable Communities
	3A.1	Increasing London's Supply of Housing
	3A.2	Borough Housing Targets
	3A.5	Housing Choice
	3A.7	Large Residential Developments
	3A.9	Affordable Housing Targets
	3A.10	Negotiating Affordable Housing in Individual Private Residential and Mixed use Schemes
	3A.17	Addressing the Needs of London's Diverse Population
	3A.18	Protection and Enhancement of Social Infrastructure and Community Facilities
	3A.20	Health Objectives
	3A.23	Health Impacts
	3A.24	Education Facilities
	3A.23	Community Strategies
	3A.24	Meeting Floor Targets
	3A.28	Social and Economic Impact Assessments
	3B.1	Developing London's Economy
	3B.2	Office Demand and Supply
	3B.3	Mixed Use Development
	3C.1	Integrating Transport and Development
	3C.2	Matching Development with Transport Capacity
	3C.23	Parking Strategy
	3D.11	Open Space Provision in DPDs
	3D.14	Biodiversity and Nature Conservation
	4A.22	Spatial Policies for Waste Management
	4A.7	Renewable Energy
	4A.4	Energy Assessment
	4A.3	Maximising the Potential of Sites
	4A.16	Water Supplies and Resources
	4A.17	Water Quality
	4A.18	Water and Sewerage Infrastructure
	4A.20	Reducing Noise and Enhancing Soundscapes
	4A.33	Bringing Contaminated Land into Beneficial Use
	4B.1	Design Principles for a Compact City
	4B.2	Promoting World Class Architecture and Design
	4B.3	Enhancing the Quality of the Public Realm
	4B.5	Creating an Inclusive Environment
	4A.3	Sustainable Design and Construction
	4B.9	Tall Buildings – Location

**Mayor of London’s Sub Regional Development framework For East London
Mayor of London SPG, London View Management Framework 2007**

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG 4	Industrial, Commercial Development and Small Firms
PPG9	Nature Conservation
PPG16	Archaeology and Planning
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Flood Risk

Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

TH Primary Care Trust (PCT)

6.2 The TH PCT requested a total planning contribution of £2,093,574.00 (Capital element £482,091.00 and Revenue element £1,611,482.00):

(Officer Comment: See section 8 of this report for discussion of s106 contributions.)

LBTH Landscape Section

6.3 No comments received.

LBTH arborculturalist

6.4 No comments received

LBTH Ecology

6.5 No objection to the application.

LBTH Highways

- 6.6
- Located in a high PTAL area;
 - Residential parking is in line with policy and is acceptable;
 - Restaurant parking not in line with current policy and has less than 10% accessible spaces provided. This is an existing use, is not considered to be justification to depart from policy
 - Loading and car club bays on the street cannot be supported
 - Concern about circulation system for restaurant-related vehicles and conflict between vehicles as well as pedestrians
 - Recommends a car free agreement, s106 for Highways works and s278 agreement

(Officer Comment: These issues are discussed in section 8: ‘Transport’.)

LBTH Energy Officer

- 6.7
- In consideration of energy efficiency and renewable energy, a condition is recommended requiring a feasibility study of the cooling, heating and power systems proposed, as well as the renewable energy systems to be employed in the scheme
 - In respect of sustainability, a condition is recommended for full details of the compliance with Code for Sustainable Homes criteria, prior to commencement and occupation

(Officer comment: The conditions are recommended if the Committee is minded to approve the application.)

LBTH Environmental Health – Health

- 6.8 No comments received

LBTH Environmental Health – Construction, Noise/vibration, Microclimate (wind) and BRE (daylight sunlight) Issues

- 6.9
- Final details of the noise assessment and odour control in respect of the restaurant ventilation ductwork should be conditioned
 - Final details of the noise barrier to the children's play area at podium level required
 - Final details of noise mitigation measures of the gymnasium to protect residents is required
 - Final details of noise mitigation measures for the facades to address category D road noise
 - Final details of noise mitigation measures for the penthouse apartments to deal with aircraft noise
 - Concern raised in respect in the reduction of VSC light values, although they advised that ADF values are tolerable
 - Recommends a shadow analysis be undertaken
 - Details of the microclimate mitigation measures at particular locations as identified are required.

(Officer Comment: Further discussions with the officer confirmed that matters raised had been sufficiently dealt with by submission of additional information. In addition, an appropriately worded condition is recommended for full particulars of the noise barrier surrounding the children's play area).

LBTH Environmental Health – Land Contamination Issues

- 6.10 No comments received.

LBTH Environmental Health – Air quality

- 6.11 The Air Quality officer indicates that the following matters should be conditioned:
- The choice of background concentration values;
 - The choice of receptors for the assessment;
 - The criteria used to inform the assessment; and
 - Emission data for the CHP

(Officer comment: Appropriately worded conditions are recommended if the Council recommends approval.)

LBTH Education

- 6.12 No comments received.

LBTH Waste

- 6.13 No comments received.

Greater London Authority (Statutory Consultee)

- 6.14
- Principle of development – supported;
 - Housing – Satisfied the 30% affordable housing is the maximum possible;
 - Serviced apartments should be resisted;
 - Density – reduction as a consequence of serviced apartments is acceptable and still a suitable maximising of the site in accordance with London plan Policy;
 - Mix – not significantly affected in the current application;
 - Views of the Greenwich World Heritage Site – only a marginal effect on the setting of the world heritage site and its listed buildings;
 - Layout and appearance – ground floor is well-considered; service entrance cuts across pedestrian environment; circulation spaces and flat layout fairly spacious; final details of the noise barrier around the playspace should be agreed with LBTH; elevations and appearance is one of the strongest aspects of the development; transport s106 contributions welcomed;
 - Access – over 10% of units wheelchair accessible/adaptable;
 - Children’s playspace – child occupancy calculated at 140 kids and the playspace required is 1400sqm. Given that 6125sqm amenity space is being provided including the crèche and ecological space (brown roofs), it is considered that the scheme meets the requirements to cater for the expected child occupancy on the site;
 - Energy – 20% energy reductions targeted but outstanding issues are the extent of the district heat network, evidence of the sizing and efficiency of the CHP, commitment to photovoltaic panels
 - Climate change and adaptation – Scheme satisfactorily addresses the relevant issues;
 - TFL comments – level of car parking, especially for the restaurant is contested; expects contributions towards the Preston’s Road roundabout and improvements in connectivity to Blackwell DLR; cycle parking complies with policy; no significant impact on the local bus network; delivery and servicing plan and construction management plan required if the scheme is approved; the sound barrier on the Aspen Way flyover should be accommodated on site; welcomes the travel plan
 - LDA comments – principle of development supported; welcomes childcare provision; financial contribution towards healthcare should be considered; encourages LBTH to consider employment and training initiatives; supports the provision of serviced apartments;
 - Legal considerations – LBTH to consult the mayor when a resolution is made;
 - Financial considerations – none apply
 - Conclusion – affordable housing (compliant), Mix (compliant), Density (compliant), Urban design (compliant), access (compliant), children’s playspace (complaint), energy (non-compliant), Climate change (compliant), Transport (non-compliant)
 - Recommendations - (1) Energy – provide further clarification, (2) reduce the restaurant parking.

(Officer comments: See section 8 for full discussion of the above matters.)

The Government Office of London

6.15 No comments received

Environment Agency (Statutory Consultee)

6.16 No objection to the scheme and recommends the following conditions:

- Flood warning system required
- Land contamination investigation and assessment required
- Verification report form remediation required
- Ammendment to remediation strategy, to address instances where new contaminants are found during works
- No infiltration of groundwater without approval
- Method of piling and foundations required

(Officer Comment: The above conditions are recommended if the Committee were to grant planning permission.)

TFL (Statutory Consultee)

- 6.17 Advice that the noise barrier along the Aspen Way flyover should be relocated to the application site unless the developer can demonstrate why this is not viable.

(Case Officer comment: Discussions with TFL further indicated that their concern about the barrier was in respect of maintenance and liability issues associated with the structure. Also the potential safety concern of drivers being distracted by advertising hoardings. The planning agent has advised that it is not possible to relocate the barrier to the application site. Given that noise mitigation is acceptably achieved through window glazing specification, it has been agreed with the Council's Environmental Health Team for the noise barrier to be deleted from the application.)

DLR

- 6.18 No comments received

BBC

- 6.19 No comments received

English Heritage (Statutory Consultee)

- 6.20 EH advise that the comments in respect of the previous application PA/08/274 apply to this application. EH have concern about the scheme's impact on conservation area views (E.g. from All Saints church, East India Dock Road) and the effect of the materials and design, especially its shiny finish.

(Officer comment: The impact to conservation area views is discussed in section 8 under 'Design'.)

English Heritage (Archaeology)

- 6.21 No objection to the scheme. An appropriately worded condition for a program of archaeology to be agreed.

London City Airport (Statutory Consultee)

- 6.22 No safeguarding objection to the proposed development

National Air Traffic Services Ltd (NATS) (Statutory Consultee)

- 6.23 The Authority has no safeguarding objection to the proposal.

Thames Water Authority

- 6.24 Waste comments:

- It is the developers responsibility to provide adequate drainage
- No building should be located within 3m of sewers without Thames Water approval
- Petrol/oil interceptors in the car parking areas is required
- Fat trap for all catering establishments is required

Water Comments

- Recommends a condition for a water supply impact study, prior to the commencement of the scheme, as it is considered that the water supply infrastructure in the area is insufficient

Additional comments

- Peak sewer discharge should not exceed the historic peak. This is achievable by on-site detention

(Officer comment. It is recommended that these matters are dealt with by planning conditions and informatives if the Council is consider granting planning permission)

British Waterways

6.25 No objection was raised to the scheme. The Authority recommended the following conditions:

- Details of landscaping
- Details of lighting and CCTV
- Risk assessment and method statement to be provided in respect of works adjacent the water
- Feasibility study for water borne freight movement

(Officer Comment: The conditions are to be imposed if the Council considers granting planning permission.)

Lea Valley regional Park Authority

6.26 No comments received

Metropolitan Police

- 6.27
- Does not consider that previous advice has been taken on board
 - Considers there to be too many odd shaped buildings which create recessed and hidden areas
 - Concern about the restaurant drive-through route and the potential it has for accidents
 - Still many areas that do not benefit from overlooking or an active frontage
 - Issue of terrorism using vehicle born weapons and that CCTV would not mitigate these concerns

(Officer Comment:

- In respect of recessed areas and overlooking, it is considered that the activity at the ground floor associated with the restaurant, flats and short-term let apartments will provide a deterrent to crime and anti-social behaviour that may otherwise occur on a less active site;
- In respect of the drive-through route, the potential for accidents cannot be quantified and would appear to be no higher than previously. It is considered that there is no significant impact that would justify a refusal of this matter;
- The potential threat of terrorism is not quantified. Given there is no supporting information justifying the validity of this assertion, a reason for refusal cannot be justified.)

London Fire and Emergency Planning Authority (LFEPA)

- 6.28
- Comments as per previous application PA/08/274, that they raise no objection to the scheme having received the following clarification:
 - The stacking arrangement of the parking facility
 - The lower car park plan
 - Inclusion of the escape stair for the basement
 - Reliance on an engineering design solution needs to be clarified
 - Cooking facilities in flats should not interfere with means of escape although this is a building control issue
 - Consideration could be given to domestic fire sprinklers

(Officer Comment: This advice was forwarded to the agent for their information.)

London Borough of Greenwich

6.29 The borough raise no objections.

Natural England

6.30 Natural England advise they have no further comments to make other than those given in respect of PA/08/274. They felt that the Environmental Statement does did not consider fully

the nesting and breeding of birds. They noted Black Redstarts are found in LBTH, and the Isle of Dogs has the most breeding pairs. A condition is therefore recommended to ensure impacts during works are minimised. The nesting, breeding and seasonal requirements should be factored into the construction program as well as in a management strategy for the birds on site during this phase. A management program is recommended for maintaining planting on site and to include the green/brown roofs in this plan. A legal agreement is recommended to secure the maintenance and continued provision of accessible natural greenspace.

(Officer Comment: The Thompson Ecology Habitat Survey was submitted as part of the Environmental Impact Assessment (EIA). It states that there was no evidence of Black Redstarts on site. In addition to this, the ecological consultant advised that Black Redstarts prefer to nest in derelict sites of brick and rubble rather than trees. Advice was that a new habitat would be provided for Black Redstarts in the form of the proposed brown roofs. Finally, the s106 legal agreement includes monies to improve the open space in between the site and Poplar Dock, which has the potential to support natural greenspace.)

Port of London Authority

- 6.31 The Authority raised no objection to the application. The Authority considers the site to be ideally placed to allow the bulk of building materials to come by river and suggests a condition or planning agreement should be imposed to ensure this.

(Officer Comment: An appropriately worded informative is recommended for the Authority to be consulted as part of the discharge of the construction management plan condition to establish what opportunities exist to utilise waterborne transport.)

National Grid

- 6.32 The Authority consider the risk to be negligible.

Canary Wharf Group PLC

- 6.33 No comments received

Crossrail

- 6.34 The Authority advise that the application site is outside the limits of land that is subject to consultation under the Safeguarding Direction. Therefore, they do not wish to make any comments regarding this application.

CABE

- 6.35 No comment on the scheme.

Barkantine Tenants and Residents Association

- 6.36 No comments received.

Alpha Grove and Barkantine Tenants Association

- 6.37 No comments received

Maritime Greenwich World Heritage Site

- 6.38 No further comments made in addition to those for the previous application PA/08/274. here they noted the site is considerable distance from Maritime Greenwich. Nevertheless it is visible from Greenwich Park and is in the GLA London View. Concern is raised regarding the enlargement of the cluster of tall building to east and west of the Canary Wharf cluster which may create a wall of buildings. The gap is important as it visually defines Canary Wharf and extending this group of buildings as viewed from the park is a concern. Also, there is concern for scale and design of the tower.

(Officer Comment: The agent has provided CGIs and additional written justification in support of the scheme in response to these concerns as discussed in detail in Section 8 under

'Design'.)

The Greenwich Society

6.39 No comments received

7. LOCAL REPRESENTATION

7.1 A total of 985 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No. of individual responses: 7 Against: 2 Support: 5 Neutral: 0

7.2 The following local groups/societies made representations:

- Poplar Dock Boat Users Association

7.3 The following comments were raised in representations that are material to the determination of the application:

Positive

- Support for the scheme in view of the improvements to local pathways/walkways
- The scheme is considered to improve traffic routes
- The scheme will be an improvement to the environment in general
- The scheme is considered improve the visual amenity of the area
- The scheme is considered to be high quality

Negative

- Traffic generation and access issues with particular reference to the construction phase
- Noise
- Another residential development is not needed in this area

(Officer comment: These matters were considered in the previous application PA/08/274 and are unchanged by the current application)

7.4 The following issues were raised in representations, but they are not material to the determination of the application:

- It was noted in comments that there are no negative comments from boaters at Poplar Dock
- Indicated that there was concern whether or not the McDonalds would be retained, it being noted that it is a facility benefiting the local community.
- Littering
- A stand alone fast food outlet is not suitably located in this area
- Damage to roads and footpaths during construction

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Consideration of the previous reasons for refusal
2. Landuse
3. Housing
4. Design
5. Amenity for future occupiers and users
6. Neighbour Impacts
7. Transport Impacts

8. Sustainability
9. Planning Contribution

Reason for refusal

- 8.2 Prior to being withdrawn, the Committee resolved to refuse the scheme. Although not issued, the draft decision notice was prepared with the reason for refusal as follows:

“1. The development is located in close proximity to major arterial roads containing very high levels of traffic that result in poor air quality and high noise levels (Noise Category Level D as identified in PPG24). The design of the development, consisting of a high density pair of towers atop a podium, has not responded appropriately to the constraints of the site, will create a low level of residential amenity for future residents and does not enable well designed mitigation of the external noise and pollution impacts. The development in its current form is therefore considered to be poorly designed for residential development and does not comply with PPS 23 and PPG 24, policies 3A.3, 4B.1, 4B.9 and 4B.10 of the London Plan (Consolidated with Alterations since 2004); policies ST23, DEV1 and DEV2 of the Unitary Development Plan 1998 (as saved 2007) and policies CP1, CP3, CP4, CP20, CP48, DEV1, DEV2, DEV5, DEV10, DEV11, DEV27 and HSG1 of the Interim Planning Guidance 2007: Core Strategy and Development Control, which seek to ensure appropriate levels of environmental amenity for future residents.”

- 8.3 As outlined in section 4 the amended scheme comprises a series of modifications to improve amenity for future residents. These are summaries as follows:

- A reduction in residential C3 units from 394 to 355 thereby reducing the overall intensity of the scheme in respect of permanent residents on the site. Consequently, there is a reduced impact to local facilities and infrastructure included transport, health, education and open space provision;
- Replacing the residential C3 uses at the first to third floors with short term let apartments. This will mean that permanent residents are located on the upper floors affording greater separation and dispersion from the noise and air pollution source of Aspen Way;
- The installation of noise barriers surrounding the podium level play space to offer further amelioration of noise impact to residents and users of the development;

- 8.4 In addition, the Council’s Environmental Health section has recommended appropriately worded conditions to further ensure air quality is addressed in the detailed design and construction of the application to safeguard a suitable level of amenity for future residents.

- 8.5 Overall, the application is considered to offer improved level of amenity for a reduced number of residents. It is therefore considered that the concerns raised by the committee about the intensity of the development and level of amenity have been responded to and appropriately addressed in the revised scheme. The application is considered to accord with PPS 23 and PPG 24, policies 3A.3, 4B.1, 4B.9 and 4B.10 of the London Plan (Consolidated with Alterations since 2004); policies ST23, DEV1 and DEV2 of the Unitary Development Plan 1998 (as saved 2007) and policies CP1, CP3, CP4, CP20, CP48, DEV1, DEV2, DEV5, DEV10, DEV11, DEV27 and HSG1 of the Interim Planning Guidance 2007: Core Strategy and Development Control, which seek to ensure appropriate levels of environmental amenity for future residents.

Landuse

Introduction

- 8.6 As noted in the ‘Site and Surroundings’ section 4 of this report, the site is designated as ‘ID58’ in the Isle of Dogs AAP and is proposed to be used a residential-lead, mixed-use purposes.

Principle of mixed use

- 8.7 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.
- 8.8 In respect of national policy PPS 1: Creating Sustainable Development (Jan 05), the PPS promotes in its 'General Approach' the more efficient use of land with higher density, mixed-use schemes. It suggests using previously developed, vacant and underutilised sites to achieve national targets. This consideration of the effective use of land, and the range of incentives or interventions to facilitate this is also encouraged in 'Effective Use of Land' of PPS3 'Housing' (Nov 06).
- 8.9 In respect of regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria' also promotes the optimal use of land. Policy 2A.9 'The Suburbs: Supporting Sustainable Communities' refers to promoting change and enhancing of quality of life with higher density, mixed use development and by considering means of improving sustainability of land use. Policy 3B.1 'Developing London's Economy' seeks to support the economy of London by promoting a range of premises of different types and sizes thereby encouraging the mixed uses. Policy 3B.3 'Mixed Use Development' (90) mentions that mixed uses are also encouraged with sub-regional development frameworks. Identifying capacity to accommodate new job and housing opportunities, through mixed-use development, is encouraged in Policy 5C.1 'The Strategic Priorities for North East London'.
- 8.10 In policy terms, a mixed use scheme is policy compliant on this site. Therefore, this mixed use residential and commercial scheme is acceptable in principle.

Principle of short-term let apartments

- 8.11 The principle of short-term let apartments is acceptable being in accordance with Policy EE4 of the LBTH Interim Planning Guidance. A 'Serviced Apartment Provision at 2 Trafalgar Way' statement was provided in support of the scheme indicating the apartments would address the policy criteria by including the following:
- Dedicated reception and lobby;
 - Regular cleaning
 - Laundry and linen service
 - 24 hour room service
 - Internet and entertainment services
 - A centrally managed telephone service
 - Maximum occupation of units for 90 days
 - The operator will manage and business of the services apartments by a lease or contractual agreement.
- 8.12 Accordingly, the apartments are considered to comply with the requirements of Policy EE4 Services Apartments of the LBTH Interim Planning Guidance which seeks to ensure accommodation is provided on a short term basis only and provides a sufficient level of service for the temporary occupiers.

Density

- 8.13 Policy 3A.3, 'Maximising the Potential of Sites' of The London Plan, CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the Interim Planning Guidance, outline the standards for maximising the intensity and the efficient use of sites.
- 8.14 The proposal is equivalent to 2350 habitable rooms per hectare (compared to 2633 habitable rooms per hectare of PA/08/274) which is in excess of published local and regional guidance. These are as follows:
- London Plan: 650-1100 habitable rooms per hectare in an area of a Public Transport Accessibility Index (PTAL) 4-6 for central areas (within 800m walking

distance of Canary Wharf);

- LBTH Interim Guidance: 650-1100 habitable rooms per hectare in PTAL 4-6 in northern isle of Dogs area.

8.15 The density is in excess of the range of the London Plan and LBTH Interim Guidance. However, it is considered that the density is acceptable for the following reasons:

- There are no significant impacts identified for neighbours;
- There are no significant impacts identified for future residents;
- There are no symptoms of overdevelopment, including poor design, substandard accommodation, inappropriate housing mix;
- The scheme is of high architectural quality;
- Tall buildings are appropriate in this location;
- The scheme has acceptable access to public transport;
- Planning contributions for transport, health, education and amenity space will be secured to compensate for the demand that the scheme will pose to local service and facility provision.

8.16 For these reasons the scheme is considered to be an efficient use of the site and not over-dense.

8.17 Furthermore, higher density is also promoted by Interim Planning Guidance Policy CP20 'Sustainable Residential Density' which states:

"The council will resist any proposed housing development that results in an inefficient use or under-development of a site."

8.18 In addition, high density precedents have been recently approved in the adjacent area. In particular application PA/04/00510 at Land S/w Jnc Of Poplar High St And Preston's Road And East Of Poplar Business Park, Preston's Road. A density in excess of 2259 habitable rooms per hectare was granted in 2006 for this scheme. Nearby, New Providence Wharf is also a high density scheme.

8.19 Therefore, on balance, the density is considered acceptable given that the proposal poses no significant impacts, is appropriate to the area context and planning contributions will be secured.

Principle of Housing

8.20 Consideration in this section is limited to the principle of a residential component in a mixed-use redevelopment. The quality of the provision is discussed separately under 'Housing'.

8.21 The scheme is identified in the Isle of Dogs AAP as development site 'ID58. Its description indicates a residential C3 component of any redevelopment scheme is considered acceptable. In respect of the London Plan (Consolidated 2008), the site is within the North-East sub region and should also have regard to the Blue Ribbon Network. However, there are no specific designations identified for this site. Therefore there is nothing to prevent the consideration of a residential component.

Concluding Remarks

8.22 Generally, a residential-lead, mixed-use scheme is appropriate and justified in terms of policy.

Housing

The mix of units is set out in section 4.

Affordable Housing

- 8.24 Policy CP22 'Affordable Housing' requires a 35% affordable housing provision.
- 8.25 An Affordable Housing (Three Dragons) Toolkit was submitted in justification for providing a reduced affordable housing contribution. Issues including build cost and residual land value were identified as affecting the financial viability of the scheme. Additionally, the provision of affordable housing is balanced with the need to provide planning contributions in other areas including transport, health and education.
- 8.26 Initially, the scheme offered a contribution 28% affordable housing and £5,000.00 per unit based on the affordable housing toolkit. The applicant reconsidered this and improved the contribution to 30% affordable housing and £8,000.00 per unit in financial contributions. The agent confirmed that, in light of the scheme's economic viability, the scheme could not increase the affordable housing offer further. After extensive review by Council Officers, it is considered the figures appear to be reasonable, and that the 30% affordable housing provision is the maximum that can be provided. The GLA also come to the same conclusion as officers.
- 8.27 Policy 3A.8 of the London Plan states that:
'Boroughs should seek maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to their affordable housing targets adopted in line with policy 3.7, the need to encourage rather than restrain residential development and the individual circumstances of the site. Targets should be applied flexibly, taking into account of individual site costs, the viability of public subsidy and other scheme requirements'.
- 8.28 In accordance with GLA requirement, the Council have sought the maximum amount of affordable housing whilst taking into account the factors set out in the policy 3A.8 of the London Plan. These include the most effective use of private and public investment, which includes the use of financial contributions. In this case, the most relevant planning contributions (financial contribution or public investment) offered by this scheme (as worked into the viability assessment) includes:
- £1,340,480.00 towards highway safety improvements;
 - £542,440.00 towards education to mitigate the demand of the additional population on education facilities;
 - £488,480.00 towards medical facilities to mitigate the demand of the additional population on medical facilities; and
 - £468,600.00 towards an improved public space between the site and Poplar Dock to supplement the private and communal open space achieved of site;
- 8.29 Overall, in the light of the viability assessment produced for the proposed development, the overall s106 package and additional regeneration benefits arising from the proposal, the failure to provide a minimum of 35% affordable housing is considered acceptable on balance. The proposed development is therefore in accordance with policy 3A.7 and 3A.8 of the London Plan and policies CP22, HSG3 and HSG4 of the LBTH Interim Planning Guidance.
- 8.30 Moreover, a similar on-balance consideration was given to the nearby application for Building C New Providence Wharf (Ref PA/06/2101). In this scheme the revised affordable housing toolkit indicated that a maximum provision of 32% affordable housing was possible. This application was approved by the Strategic Development Committee on 31st January 2008. Therefore, it is considered reasonable that similar regard should be had to the merits of this application and the contribution of affordable housing being offered.
- 8.31 In addition to the above requirement, Policy 3A.7 'Affordable Housing Targets' of The London Plan (Consolidated 2008) requires a 70:30 split between social rent and shared ownership tenures. The scheme achieves a split of 70:30 and is therefore acceptable in

this regard.

Family Housing

- 8.32 Family sized housing is a requirement in all three housing tenures (market, social-rent, shared-ownership) although varying amounts are required in each.
- 8.33 Policy CP21, 'Dwelling Mix and Type' requires family housing in all three tenures. For intermediate housing the policy requires 25% family housing and the scheme provides 5%. For social-rent housing, 45% is required and 75% is provided. In the market housing, 25% is required and 17% is provided. This corresponds to a total provision of 24% family housing provision across the whole scheme for which the policy aspiration is 30%.
- 8.34 It is noted that this improves upon the recent approval of nearby Building C, New Providence Wharf, application PA/06/2101 for 30% affordable housing of which a total of 16% family housing was achieved.
- 8.35 Whilst short on of the nominated percentages in the market and shared ownership tenures, this shortfall should be considered within the following context:
- The difficult site context;
 - Viability issues and the need to balance housing provision with other planning necessary planning contributions;
 - The comparatively high proportion of family housing in the social rent tenure;
- Overall, it is felt that the family housing offer is the best possible compromise.

In addition, it should be noted that the scheme exceeds the amount of family housing otherwise achieved across the borough based on the most recently published LBTH Annual Monitoring Report 2006-7 and is therefore, a positive step towards LBTH achieving key housing targets and better catering for housing need.

Wheelchair Housing and Lifetime Homes

- 8.36 Policy HSG9 'Density of Family Housing' of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards and for 10% of housing to be wheelchair accessible or "easily adaptable". A total of 11.3% (40 units) is provided, in compliance with policy.

Floor Space

- 8.37 Policy HSG13 'Conversions and Internal Standards for Residential Space' of the adopted UDP 1998 and Supplementary Planning Guidance (SPG) 'Residential Space' (adopted 1998) set the minimum space standards for residential developments.

- 8.38 The floorspace schedule for the scheme shows that the total floor area of each flat as well as individual rooms, complies with the SPG requirements.

Amenity Space

- 8.39 Policy HSG 16 'Housing Amenity Space' of the adopted UDP 1998 requires schemes to incorporate adequate provision. The Residential Space SPG 1998 sets the space criteria as does HSG7 'Housing Amenity Space' of the Interim Planning Guidance. The LBTH Residential Space SPG also sets criteria for calculating open space. The policy requirements are summarised below.

Residential Space SPG 1998 requirements

Tenure	Proposed	SPG Requirement	Total (m²)
Family Units	85	50sqm of private space per family unit	4250

Non-family units	270	50sqm plus an additional 5sqm per 5 non-family units;	320
Child Bed spaces	105	3sq.m per child bed space	315
Total			4885

Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	64	6	384
1 Bed	89	6	534
2 Bed	117	10	1170
3 Bed	78	10	780
4 Bed	7	10	70
5 Bed	-	10	
TOTAL	355		2938
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	395
Total Housing Amenity Space Requirement			3333

- 8.40 The application exceeds the minimum standards of both the UDP and Interim Guidance proposes a total provision of approximately **6069sqm** the following amenity space provision:
- 2400sqm is private amenity space for the residential C3 flats in the form of balconies;
 - 219sqm of private amenity space for the short-term let apartments in the form of balconies
 - 420sqm of communal amenity space at podium level (excluding brown/green roofs);
 - 380sqm of children's play area and 100sqm of outdoor space relating to the crèche;
 - 2550sqm of public open space adjacent to Poplar Dock
- 8.41 The overall amenity space provision across the scheme exceeds the total required provision of the Interim Planning Guidance. (The adopted UDP).
- 8.42 In addition, 315sqm of child playspace is required and the scheme makes provision for 480sqm in the form of a dedicated playspace as well as 100sqm of outdoor play area associated with the crèche.

Concluding Remarks

- 8.43 On balance, the affordable housing provision (of 30%) is considered the maximum possible in light of the viability of the scheme and the need to consider other planning contributions including transport, health and education. It is noted that the same on-balance justification has been applied to another recently approved scheme, namely, Building C New Providence Wharf. The total provision of 24% family housing is also considered acceptable and considerably exceeds the 7.1% of family housing achieved across the borough as indicated in the Annual Monitoring report 2006/7. Finally, the proposed units have a sufficient total floor area and amenity space provision to meet the amenity needs of its future occupiers.

Design

Introduction

- 8.44 Guidance in the form of policy, as well as approved schemes nearby guide the design considerations of this scheme.
- 8.45 Pursuant to regional Policy contained within The London Plan (Consolidated 2008), Policy 4B.1 'Design Principles for a Compact City' requires schemes, amongst other criteria, to create/enhance the public realm, respect local context/character and be attractive to look at. Policy 4B.9 'Tall Buildings – Location' outlines considerations for the siting of tall buildings which includes tall buildings as a "catalyst" for regeneration. Policy 4B.10 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations, including context, attractiveness and quality.
- 8.46 In consideration of Local Policy and the saved policies of the adopted UDP 1998, Policy DEV1 'Design Requirements' indicates a need for a development to be sensitive to the area, the capabilities of the site, consideration of street frontages, building lines roof lines and street patterns and provide for safety and security. Within the Interim Planning Guidance CP4 'Good Design' buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 'Tall Buildings' confirms that tall buildings can be considered anywhere if justified and all proposals should seek, amongst other things, to contribute to a high quality, attractive environment, respond to context and contribute to vitality.
- 8.47 In addition to the Planning Statement, the application is supported by full drawing sets including landscaping plan, as well as a Design and Access Statement, Landscape Design Statement, Townscape and Visual Assessment (within the EIA).

Tall Buildings

- 8.48 The scheme is defined as a tall building pursuant to the LBTH Interim Planning Guidance, namely:
- "Buildings or structures generally exceeding 30m in height, or which are significantly higher than the surrounding buildings (usually 2 or more storeys higher), dependant on the scale of existing development and character of the area"*
- 8.49 Accordingly, local and regional tall buildings policy advise on the relevant considerations for tall buildings and discussed below in detail below. Moreover, there is a range of published national policy including PPS1, PPS3 and PPG15 as well guidance that includes 'By Design' published by DETR/CABE in 2000.
- 8.50 Policy CP49 Tall Buildings of the LBTH Interim Planning Guidance states:
- "3) All proposals for tall buildings must:*
- a) contribute positively to a high quality, attractive environment;*
 - b) respond sensitively to the surrounding local context;*
 - c) not create unacceptable impacts on the surrounding environment, including the surrounding amenity;*
 - d) contribute to the social and economic vitality of the surrounding area*
 - e) not create unacceptable impacts on social and physical infrastructure"*
- 8.51 In respect of 3a, the scheme is considered to contribute positively to a high quality and attractive environment for the following reasons:

- It proposes good internal floorspace as well as a range of outdoor open space options as detailed under the 'Housing' chapter of this report;
- The scheme provides complimentary facilities to the residential C3 uses, including a gymnasium and crèche which will benefit future residents;
- The scheme provides for waste, recycling and cycle storage to serve future residents;
- The application proposes high quality external finishes, creative architectural treatments, including the sky gardens suspended between the towers as well as perforated metal panel cladding. All of this creates a very distinctive and unique architectural statement that will add to the variety of buildings in this evolving urban context.

8.52 In respect of 3b the scheme responds sensitively to the context in the following ways:

- In terms of ground floor treatment, the building is designed in such a way that it addresses the ground floor street frontages with a series of entrances, and open pedestrian thoroughfares, whilst minimising the impact of vehicular access to the western edge of the site and a discrete point at the southern edge of the scheme;
- In terms of upper levels, the two contemporary towers reduce the appearance of bulk in the skyline as compared with a single tower as shown further in earlier design options for the site.
- It utilises durable metal and glass finishes in a creative way that will add to the skyline and compliment the existing diversity of architectural style in this location.
- Moreover, it is an outward looking scheme with rounded building form that presents an interesting façade from all vantage points.
- The towers are seen in the context of other taller buildings in this location;
- Nevertheless, it does not fill in or detract from the tall building cluster of Canary Wharf; and
- There is no adverse impact to any views.

8.53 In respect of 3c, the scheme does not pose any unacceptable impacts on neighbours including overshadowing, microclimate (wind), noise, privacy/overlooking or general disturbance impacts, which is discussed in detail later in section 8 'Neighbour Impacts'.

8.54 In respect of 3d, the proposal contributes socially and economically to the surrounding area by providing housing of appropriate mix in terms of affordable and family housing, as well as satisfying amenity spaces standards, Lifetime Homes standards and providing for minimum 10% wheelchair accessible housing along with accessible parking for people with a disability is also provided. All this contributes to the creation of a sustainable and diverse community in the local area. In addition to the economic benefits of growing a sustainable community and local businesses, the scheme itself is predicted to generate between 165-200 Jobs.

8.55 In respect of 3e, planning contributions towards transport improvement, health, education and the upgrade of open space adjacent to Poplar Dock will all be secured to ensure the impact on local infrastructure is mitigated.

8.56 Policy DEV27 Tall Buildings Assessment of the Interim Guidance states:

"Applications for all tall buildings must satisfy the criteria listed below:

Design and Context

1. *Demonstrate the design is sensitive to the context of the site.*
2. *Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and*

structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements.

- 3. Where the site is outside a location identified for tall building clusters in CP48, demonstrate the consideration of built form design alternatives other than tall buildings.*
- 4. Demonstrate consideration of the appearance of the building as viewed from all angles, and its night-time appearance, as demonstrated through an Accurate Visual Representation.*
- 5. Not adversely impact on important views including strategic London-wide views and important local views, including their settings and backdrops, as demonstrated through an Accurate Visual Representation.*
- 6. Provide a positive contribution to the skyline, when perceived from all angles, assisting to consolidate clusters within the skyline, as demonstrated through an Accurate Visual Representation.*
- 7. Not adversely impact on Conservation Areas, Listed Buildings, historic assets, World Heritage Sites, scheduled monuments, areas of archaeological importance or potential, or their settings.*
- 8. Where residential uses are proposed, include high quality, useable communal and private amenity spaces.*
- 9. Achieve a very high standard of safety and security for occupants of the development and users of the immediate surrounding area.*
- 10. Be visually integrated into the streetscape and the surrounding area.*
- 11. Present a human scaled development at the street level.*
- 12. Respect the local character and seek to incorporate and reflect elements of local distinctiveness.*
- 13. Incorporate adaptable design measures.*

Environment

- 14. Demonstrate the privacy, amenity and access to sunlight and daylight for surrounding residents and building occupants will not be adversely affected by the development and that acceptable levels of privacy, amenity and sunlighting and daylighting conditions will be achieved for future occupants of the development.*
- 15. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.*
- 16. Demonstrate consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction, and resource management.*
- 17. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them.*
- 18. Achieve high internal and external noise standards, including the consideration of appropriate mixes of uses and use locations within the development.*

Socio-Economic Impacts

- 19. Contribute positively to the social and economic vitality and of the surrounding area at the street level through its proposed mix of uses.*
- 20. Be acceptable in terms of its potential social impacts, and maximise positive social impacts, as demonstrated through a Social Impact Assessment.*

Access and Transport

- 21. Incorporate the principles of inclusive design.*
- 22. Be located in an area with good public transport access.*

23. *Take into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.*
24. *Respect, and, where possible, improve permeability with, the surrounding street network, and take into account impacts on the movement of people.*
25. *Have good access to, or contribute to the provision of, high quality pedestrian and cyclist routes between the site and public transport, public open space, shops and social and community facilities.*
26. *Provide publicly accessible areas within the building, including the ground floor, and where there are opportunities to provide viewing platforms, the top floor.*

Additional Considerations

27. *Where residential uses are proposed, comply with the density requirements in policy HSG1.*
28. *Conform with Civil Aviation requirements.*
29. *Not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.*
30. *Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.”*

- 8.57 Points 1, 2, 8, 10, 12, 14, 15, 19, 20 and 21 have been addressed in the considerations of CP 49 tall Buildings.
- 8.58 In respect of 3, alternatives have been considered but not deemed suitable in the pre-application discussions with LBTH and in the applicant’s Design and Access Statement, which accompanies the application.
- 8.59 Regarding 4 (views), Computer generated Images (CGIs), as well as artist perspectives in the design and access statement and analysis in Chapter 11 of the EIA, indicate consideration of the external appearance from all angles as well as its night-time appearance.

The requirements of points 5, 6 and 7 (consideration of views) has also been considered namely:

- Strategic London-wide views,
- the contribution made to the skyline
- any listed buildings, conservation areas and world heritage sites and their settings.

- 8.60 In respect of 9, safety and security is achieved with access to the upper levels controlled at ground level by foyer access. Minimisation of blank frontages, as well as the activity associated with the MacDonald’s restaurant, will ensure surveillance to maintain safety and security and deter crime.
- 8.61 In respect of 11, a human scale is achieved at street level with a series of single storey commercial premises, as well as the residential foyer which breaks up façade of the building and provides multiple doorways and windows. This prevents continuous or blank frontages.
- 8.62 In respect of 13, adaptability is incorporated into the scheme by generous floor-to-ceiling heights at ground floor level to accommodate the needs of commercial uses. The residential flats including wheelchair accessibility, lifetime homes and minimum floorspace standards in the design, as discussed previously.
- 8.63 In respect of 16, sustainability has been considered with energy efficient and renewable energy measures in the scheme. It achieves 10% of energy from renewable sources, as well as a 20% reduction in Carbon Dioxide, as detailed in the Planning Statement, the Design and Access Statement and supporting Energy Renewable Toolkit.

- 8.64 In respect of 17, there is no impact identified to biodiversity or open spaces including watercourses, waterbodies and their hydrology. The Environment Agency, Natural England and the Council's Arboriculturalist have raised no objections to the scheme subject to various conditions, informatives and s106 heads of terms.
- 8.65 In respect of 18, the internal noise standards have been considered by LBTH Environmental Health Team, who are satisfied that there will be no significant impact to neighbours.
- 8.66 In respect of 22, the site has good access to public transport with a site specific Public Transport Accessibility Level (PTAL) of 4 and is within an area considered generally to be PTAL 6a.
- 8.67 In respect of 23, the proposal is considered to be within the capacity of the area.
- 8.68 In respect of 24, the proposal will contribute a planning contribution of approximately £1.34million to funding works to the nearby roundabout. This will improve pedestrian links in the surrounding area and especially links to nearby Blackwell DLR station.
- 8.69 In respect of 25, the above monies will contribute to linking the development into the wider area and further affield with improved links to the DLR station. This will also assist in linking the site to the London Cycle Network, including, the dedicated link along Cable Street to Tower Bridge which provides access to greater London.
- 8.70 In respect of additional consideration 27 – 30:
- The scheme is in excess of the density provisions for the area. However, this is considered justified given the high quality external appearance, the internal amenity achieved, the variety of amenity space provided on site plus the significant planning contributions that have been secured for the scheme;
 - No objections have been raised by London City Airport and the National Air Traffic Services Ltd (NATS);
 - No objections have been received from the BBC. The s106 legal agreement includes an obligation for monitoring and mitigating of any impacts, in accordance with the analysis contained in the Environmental Impact Assessment;
 - No objection has been received from LBTH Building Control. Such matters can be dealt with at the detailed design phase under the Building Regulations.
- 8.71 Policies DEV 1 and DEV 2 of the LBTH adopted UDP 1998 as well as consolidated London Plan Policies 4B.8 Tall Buildings – Location, Policy 4B.1 Design Principles for a Compact City', Policy 4B.3 'Maximising the Potential of Sites' 4B.9 'Large-Scale Buildings – Design and Impact are also considered to be addressed by the above comments.
- 8.72 It is concluded that the principle of a tall building is supported on this site having regard to local and regional policy.

External Appearance

- 8.73 The building's appearance is considered to be one of the strongest aspects of the proposal, offering an attractive and complimentary addition to the skyline in this area.

Local Context

- 8.74 As discussed previously under 'Tall Buildings', regard has been had for the impact of the proposal on the surrounding area. The 'Townscape and Visual' assessment in Chapter 11 of Volume 01 of the Environmental Impact Assessment (EIA) considers 12 view points within the Isle of Dogs, Poplar and North Greenwich which show the before and after

changes in the skyline. Regard is also had to surrounding areas in general as well as specific consideration of the Cold Harbour and Naval Row Conservation Areas, All Saints and Matthias Church as well as other individually listed structures and buildings are also assessed. In respect of the conservation areas, it is evident that all the identified areas have been already impacted upon in various degrees by development either within the conservation area itself and/or adjacent. In respect of the listed structure (E.g. West India and Millwall Docks, Blackwell Basin and Poplar Dock which are locally listed) these are not nearer than 260m to the site, nor do any of them enjoy their original settings. Such factors are a consideration when analysing the significance of any impact of the proposal.

- 8.75 The analysis provided in the EIA was undertaken having regard to national, regional and local guidance and within the context of a methodology set out in the 2002 edition of the Guidelines for Landscape and Visual Impact Assessment (GVLIA) produced by the Landscape Institute and the Institute of Environmental Management and Assessment (IEMA). The report conclusions are that:
- The design offers something distinctive and different to the townscape;
 - There is no significant impact to the setting of listed buildings, conservation areas, the riverscape or any adverse impact on any protected or strategic views or vistas;
 - That the impact will be lessened as nearby consented schemes are of similar heights;
 - The towers will not appear in isolation based on the 12 views analysed, but will form part of the cluster of buildings in this part of the north eastern edge of the Isle of Dogs; and
 - The scheme would have a visual benefit to the townscape of Poplar by adding a development of high visual quality.
- 8.76 An objection has been received from English Heritage. Concern was raised about the possible impact to sensitive conservation area views (for example from the portico of All Saints Church, East India Dock Road) and its materials and detailed design (especially a shiny finish). In considering this objection in detail, the details of the conservation area and listed items of All Saints were considered, along with policy and the assessment of the EIA.
- 8.77 The All Saints Conservation Area was designated in 1986 and contains the 1920s All Saints Church which is grade II* listed. The namesake of the conservation area is evident in Poplar owing to its Spire which is a landmark for the area. The 'Townscape and Visual' assessment reports that the church forms a group with two listed terraces. The conservation area also takes in residential streets to the south of the church. The townscape surrounding the church is evident today including some three/four storey residential properties of the late Georgian period, with important examples being listed including terraces on Montague Place and Bazeley Street, as well as the Rectory on Newby Place. However, the 'Townscape and Visual' notes that, following wartime bombing and the subsequent redevelopment, the setting of the church and the townscape has been eroded. In this way, the setting of this listed building and the conservation area in general is not pristine and it is considered that this should be considered when evaluating the impact of the proposal of views in and around and out of the All Saints Conservation Area.
- 8.78 In respect of Policy, in addition to those identified previously under 'Tall Buildings', PPS1 considers the role of design in planning but cautions us not to impose architectural styles and tastes. Instead, it states that we should consider overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally (paragraph 38). Nevertheless, when assessing schemes "*Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted*" (paragraph 34). PPG 15 'Planning and the Historic Environment' refers to consideration of preserving or enhancing the conservation area when considering proposals that fall outside conservation areas (paragraph 4.14) and is applicable in this situation.

- 8.79 Within the EIA, Figures 11.4 and 11.5 visually quantify the change in view from St Annes Church in the images presented. Whilst there is a moderate change in view, given the architectural quality of the proposed building, the visual impact on the view is neutral and therefore acceptable.
- 8.80 As demonstrated in this section and under 'Tall Buildings', the possible impact to St Annes Church is has been considered. The following has been established:
- That a tall building is acceptable;
 - This scheme is considered to be high quality architecture; and
 - The EIA concludes that the change in view created by this building has a neutral effect which is acceptable.
- 8.81 Therefore, the proposal is considered to have been adequately assessed in terms of its potential impact to St Annes. The proposal is not considered to have a significant detrimental impact on St Annes Church. The high quality architecture will not have a significant impact to the views and the high quality finishes proposed in this scheme will be secured by an appropriately worded condition to ensure construction is undertaken in accordance with the proposed design.
- 8.82 In considering the effect of the materials and specifically the shiny finish, it is noted that such matters would be controlled by an appropriately worded condition requiring details and samples of the materials to be submitted for approval in writing by the local planning authority LBTH prior to commencement. An appropriately worded informative is recommended for English Heritage to be consulted on such details, prior to discharging the condition.

Wider Context

- 8.83 The 'Townscape and Visual' assessment in Chapter 11 of the EIA has considered the wider context, including the view from General Wolfe Statue in Greenwich Park. From this viewpoint the scheme will alter view 5A.1 of the 'London Panorama' of the 'View Protection Framework' as set out in the Mayor's 'London View Management Framework' 2007. The EIA visually represents and analyses the effect of the scheme on this view framework. The EIA has also had regard to Greenwich Maritime World Heritage site, which includes the Old Royal Naval College, the Fan Museum, The National Maritime Museum, The Royal Observatory, The Queens House and Greenwich Park (Grade I registered park). However, the scheme does not affect any linear views, townscape views or any protected vistas defined within the framework.
- 8.84 Although Maritime Greenwich have not commented on the subject scheme, they objected previously to the withdrawn application PA/08/274. They raise concern about the enlargement of the cluster of tall buildings to east and west of the Canary Wharf cluster, thereby creating a wall of buildings. They consider the gap is important as it visually defines Canary Wharf. Extending this group of buildings as viewed from General Wolfe Statue is therefore a concern.
- 8.85 In considering the impact of the scheme on the Canary Wharf Cluster and View 5A.1, it is noted that this report has established:
- That a tall building is acceptable;
 - The proposal's architectural style is not a concern, providing materials and finishes are conditioned.
- 8.86 Paragraph 3.53 makes specific reference to the acceptability of the incremental clustering at Canary Wharf and outlines circumstances where tall buildings outside designated clusters would be considered.

- 8.87 Specific guidance is also offered in respect of London panoramas in paragraph 3.37 which indicates:
- London panoramas are vulnerable to development in the front and middle ground;
 - Buildings in these areas should fit within the prevailing pattern of development;
 - Proposals should not detract from the panorama as a whole; and
 - Landmarks should be afforded an appropriate setting and canyoning effects should be prevented.
- 8.88 A review of the London View Framework indicates clear priorities in considering the impact of this view:
- The effect on St Paul's as the strategic Landmark,
 - Canary Wharf as another landmark,
 - The impact to the backdrop of the World heritage site (Maritime Greenwich); and
 - The effect on the panorama overall.
- 8.89 The previous objection by the Maritime Greenwich World Heritage site is necessarily concerned with the last three points.
- 8.90 The 'Townscape and Visual' assessment provided in the EIA shows before and after representations of the effect the proposal will have on Strategic Views. It concludes:
- The scheme is nowhere near the view path of St Paul's;
 - The scheme is distinct and separate to the Canary Wharf cluster of buildings;
 - The scheme would be consolidated within an undesignated cluster of taller elements that already exist and will be added to with recent approvals such as New Providence Wharf;
 - This undesignated cluster is within the backdrop of the Greenwich World Heritage site and is reflective of the form, scale and location of a series of clusters including Canary Wharf to the left and the Greenwich power station and the Millennium Dome (O2) to the right.
- 8.91 As described in the EIA, the scheme does not detract from the Canary Wharf cluster. The change in the panorama is considered to be minor, with the significance of the change being moderate and the overall effect being beneficial.
- 8.92 The EIA demonstrates that the scheme does not detract from the distinct Canary Wharf cluster, as it is visually separated. It clearly does not fill in the gap between Canary Wharf and tall elements to the north of the Isle of Dogs and Poplar. The scheme will remain within a distinct undesignated cluster of taller elements. As discussed earlier, an appropriately worded condition for materials will make certain that the scheme is a beneficial addition to the panorama. Therefore, the objection of the Maritime Greenwich World Heritage Site is not a sustainable reason for refusal.

Amenity for Future Occupiers and Users

- 8.93 The general consideration of amenity for future occupiers and Users is identified in Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3.
- 8.94 In addition to matters under the 'Housing' section of this report, results in;
- Waste and recycling storage is in accordance with Policy Dev15 'Waste and Recyclables Storage';
 - The provision of secured cycle parking for residents and visitors is in accordance with Policy DEV16 'Walking and Cycling Routes and Facilities';
 - The provision of car parking, including spaces for people with a disability, in accordance with Policy DEV3 'Accessibility and Inclusive Design' and DEV19

'Parking for Motor Vehicles';

- Renewable energy and sustainability in the design.

8.95 In other aspects, there are no significant adverse impacts, specifically:

- The provision of open space is in accordance with the requirements of the Interim Planning Guidance and is considered satisfactory in this regard;
- Although some window to window separation distances are at 16m, this is merely at the closest point of the spherical towers. No significant privacy, overlooking or outlook impacts result, as the outlook from the towers is a 365 degree panorama, with offset windows, rather than being single aspect buildings which directly face each other;

8.96 On balance, the overall amenity of future occupiers and users of the scheme is satisfactorily addressed and is consistent with Policy.

Neighbour Impacts

8.98 Impacts during construction such as noise, dust, vibration and general disturbance, vehicular movements are temporary and not a planning consideration. Nevertheless it is noted that these will be mitigated through a construction management plan and any unreasonable or excessive impacts will be subject to investigation and enforcement action.

8.99 There are no significant neighbour impacts identified with the operation of the scheme. The overshadowing affects of the proposal were considered by the Council's Environmental Health Team and were not considered significant. There are no significant privacy/overlooking impacts and any noise or general disturbance impacts. Vehicular access and parking is discussed under 'Transport'. Any impacts to the capacity of service provision including education, health and transport will be mitigated by the s106 planning contributions.

Transport

8.100 Transport provision and impact is considered in PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan (Consolidated 2008), Policies ST25, ST28, ST30, EMP10 'Development Elsewhere in the Borough' of the adopted UDP 1998 and Policies CP1 'Creating Sustainable Communities, CP41 'Integrating Development with Transport' CP43 'Better Public Transport', DEV16 'Walking and Cycling Routes and Facilities' of the Interim Planning Guidance.

8.101 The application is supported by a Transport Assessment and Travel Plan by WSP Development and Transportation (Oct '07) providing consideration of the policy context, baseline conditions in respect of the local area, public transport and road network. The report considers trip generation, impacts of the construction phase, as well as consideration of an assessment of the implications in respect of walking/cycling, public transport and road network. A travel plan is proposed.

8.102 The report concludes that the site has a good level of accessibility to sustainable modes of transport, that parking is consistent with Policy; and trips in different modes (walking, cycling, public transport) can be accommodated by the available infrastructure in the area.

Existing MacDonald's car parking and Drive-thru

8.103 In respect of the provision of the MacDonald's and associated facilities, including parking and drive-thru, this was granted permission on the site and is therefore not a reason for refusal.

Residential car parking design and numbers

- 8.104 The residential car storage facility has been considered by the Traffic and Transportation team in their discussions with the agent's transport consultant. The projected mechanised car parking system is considered to be acceptable and advantageous for users with a disability. Therefore there is no significant impact to warrant refusal.)
- 8.105 In respect of provision, a total of 97 spaces represents a 0.25 spaces per unit provision against policy which allows for up to 0.5 spaces per unit. Therefore the scheme is policy compliant and a reason for refusal in this regard is no sustainable.

Vehicle/pedestrian conflicts and safety

- 8.107 The ground floor shows an '8'-shaped circulation system for the drive through facility with vehicles entering and leaving the site at the western end. The restaurant parking is also accessed from the western end of the site, it being noted that this is an existing access and egress point for MacDonald's. The access to the residential car lift is via a separate access from the south, which also provides an egress for the restaurant parking and loading.
- 8.108 In respect of the pedestrian interface, pedestrian thoroughfares and entry points to the residential tower foyers and the ground floor commercial activities are located on the southern and eastern edges of the site. These are pedestrian only areas and are not accessible by vehicles. Consequently, there is no safety concern as there is no interaction with vehicle traffic. Where there is the possibility of interaction, it is in the area to the rear of site especially in the Macdonald's parking areas and drive-thru loop. In acknowledging the potential conflict, it is restated that the Macdonald's parking and drive-thru is existing and has operated for a considerable time. Where pedestrians may choose to take the shortest path between car parking and the restaurant entrances, the development provides for a marked pedestrian crossing, thereby alerting drivers and giving priority to pedestrians.

Road capacity

- 8.109 In respect of transport capacity, the Traffic and Transport Team has considered this issue. They have no objection to the development on this ground.

It should be noted that the Strategic Transport team suggest that the local highway is reaching capacity. Therefore, future applications that further intensify activity in this area may not be considered favourably on grounds of their cumulative impact upon the network.

Planning contributions

- 8.110 A section in the s106 agreement will include the requirement for a car-free development to prevent future occupiers from applying for parking permits in the area. Also, approximately £1.34million contributions have been secured for transport improvements.

Concluding remarks

- 8.111 In summary, the provision of parking for both the commercial and residential components of the scheme is acceptable. The ground level design provides separation/segregation between pedestrian and vehicles and in other instances, measures to alert drivers and to ensure pedestrians are given priority. Importantly, that pedestrian access to the residential towers does not involve interaction with vehicles. The scheme is also within the capacity of the local road network based on detailed analysis and 24hr traffic surveys. A significant planning contribution is secured for works to upgrade the Aspen Way roundabout, thereby improving access to Shadwell DLR station. Therefore, the development is considered acceptable as it poses no significant safety impacts to warrant refusal.

Environmental Impact Assessment (EIA)

8.112 A scoping opinion was prepared by Romboll Whitybird in July 2007 and commented upon by both the Environment Agency and LBTH in August 2007. Recommendations for ecological enhancements through the scheme were also made by Thomson Ecology in November 2007. Subsequently, the application is supported by an EIA addressing the following topics:

- Socio-economics, pursuant to DEV25 'Social Impact Assessment' of the Interim Planning Guidance;
- Transport and access, pursuant to Policies 3C.1 'Integrating Transport and Development' and 3C.2 'Matching Development with Transport Capacity' of The London Plan (Consolidated 2008), Policies CP41 '@integrating Development and Transport', CP 43 'Better Public Transport', DEV17 'Transport Assessments', DEV18 'Travel Plans', Dev19 'Parking and Motor Vehicles' and DEV20 'Transport Capacity' of the of the LTH Interim Planning Guidance and Policies T10 'Priorities for Strategic Management', T16 'Traffic Priorities for New Development', T18 'Pedestrians and the Road Network' and T21 'Pedestrian Needs in New Development' of the LBTH adopted UDP 1998.
- Noise and vibration, pursuant to PPG 24;
- Air quality given that the site falls within an Air Quality Management Area and pursuant to Policies DEV11 'Air Pollution and Air Quality', DEV12 'Management of Demolition and Construction';
- Land Quality, pursuant to PPS23 as well as DEV51 'Soil Tests' of the adopted and DEV22 'Contaminated Land' of the Interim Planning Guidance;
- Water Resources, pursuant to PPS 25, and Policies 'Flood Alleviation' and DEV21 'Flood Risk management' of the Interim Planning Guidance and U2 and U3 'Tidal and Flood Defences' of the adopted Plan, DEV46 'Protection of Waterway Corridors', DEV69 'Efficient Use of Water' of the adopted Plan and DEV7 'Water Quality and Conservation', DEV8 'Sustainable Drainage', of the interim Planning Guidance and Policies 2A.1 'Sustainability Criteria', 4A.16 'Water Supplies and Resources', 4A.17 'Water Quality', 4A.18 'Water and Sewerage Infrastructure' of The London Plan (Consolidated 2008
- Townscape and Visual Amenity, pursuant to the policy identified in section 8 under 'Design';
- Microclimate (wind), pursuant to Policy CP1 'Creating Sustainable Communities', CP3 'Sustainable Environment', DEV5 'Sustainable Design', DEV27 'Tall Buildings Assessment'
- Daylight and Sunlight, pursuant to CP1, CP3, DEV1, DEV5 and DEV27 of the interim Guidance and 2A.1 of The London Plan 2004
- Aviation safety;
- Television and Radio Interference, pursuant to PPG8 DEV27 of the Interim Guidance and 4B.10 of the London Plan (Consolidated 2008)
- Waste pursuant to DEV9 of the Interim Planning Guidance and 4A.3 of The London Plan (Consolidated 2008)
- Sustainability, pursuant to PPG22, CP38 'Energy Efficiency and Production of Renewable Energy', DEV5 'Sustainable Design', DEV6 'Energy Efficiency and Renewable Energy' of the Interim Planning Guidance.

8.113 The application was supported by an Environmental Statement (ES) which was updated to reflect the variations as compared with the previous scheme PA/08/274. The following points are noted:

- Additional information was provided in respect of chapters 5 'socio-economics' and 10 'water resources' and placed re-notified. No objection was received.
- It was considered that there was sufficient information in chapter 11 'townscape and visual' along with the plans, and other documents to fully assess the impact of the proposal. It is noted that there is no change in the appearance from the previous application which was considered to be acceptable.
- It is considered that archaeology has been adequately addressed and no further

information needed. Whilst the site does not fall within an archaeological priority area, a stand-alone archaeological assessment was nevertheless provided. English Heritage (Archaeology) considered the application and recommended an appropriately worded condition and informative for investigation/recording. It is noted in the archaeology report that there is only potential for pre-historic peat deposits, there was not evidence of any significant Roman, Saxon medieval or early post medieval occupation, and that the site was part of the London docks in the 19th century.

- Notwithstanding comments by Natural England, LBTH ecology officer considers that ecology has been adequately addressed and no further information is needed. The Council's ES Scoping Report indicated that there were no negative effects expected and that the site has very few ecological features. It was suggested that this situation could be significantly improved by providing brown roofs. As part of the application, brown roofs are proposed. Also, the site survey by Thomson Ecology concluded that there was limited potential for nesting birds and negligible ecological value in general. Therefore, no further surveying was recommended. The Council's Ecology Officer, Parks and Open Spaces, has assessed the scheme and raises no objection.

S106 Planning Contributions

- 8.115 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations. Obligations can take the form of private agreements or unilateral undertakings given by a developer and are *'intended to make acceptable development which would otherwise be unacceptable in planning terms'*.
- 8.116 Planning obligations can be used in the following three ways:
- (i) They may be used to *prescribe* the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable;
 - (ii) Secondly they may require a contribution to *compensate* against loss or damage that will result from a development. For example loss of open space;
 - (iii) Thirdly obligations may be used to *mitigate* against the impact of a development. For example through increased public transport provision.
- 8.117 Planning Obligations should only be sought where they are found to meet the 5 key tests of the Secretary of States policy, as outlined in Circular 05/2005. The tests should be considered in conjunction with the guidance contained within the circular and can be summarised as follows: -
- (i) relevant to planning;
 - (ii) necessary to make the proposed development acceptable in planning terms;
 - (iii) directly related to the proposed development;
 - (iv) fairly and reasonably related in scale and kind to the proposed development;
 - and
 - (v) reasonable in all other respects.
- 8.118 Circumstances may arise where it is not feasible for a development scheme to be both economically viable and compliant with all local, regional and national planning policy requirements. Guidance within the circular states that in such cases, *'where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what the balance of contributions should be'*.
- 8.119 Similarly the circular states that decisions on the amount of contributions *'should be based [on] negotiation with developers over the level of contribution that can be demonstrated as*

reasonable to be made whilst still allowing development to take place’.

- 8.120 Policy DEV4 of the adopted UDP and Policy IMP1 of the emerging Local Development Framework, Submission Document clearly indicate that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.121 The agent initially submitted an affordable housing toolkit, advising that various matters including exceptional building costs, would only allow for a planning contribution of £5,000 per unit and 28% affordable housing. Following LBTH negotiations, the agent has agreed to contribute £8,000 per unit and 30% affordable housing. This revised contribution is considered acceptable. Consequently, the total contribution is less than the previous application, owing to the reduction in residential C3 units from 395 to 355. Contributions for the current scheme are recalculated on a pro-rate basis.
- 8.122 In respect of a healthcare contribution, the Primary Care Trust (PCT) requested the developer contribute £2,093,574 health (£482,091 Capital + £1,611,482 Revenue) towards primary care needs of future residents. Given the range of contributions being sought for this site, the five tests of the Circular 05/2005 as well as a pro-rata rate of what was agreed for PA/08/274, it is considered that seeking only the capital component **£488,480.00** can be readily justified.
- 8.123 The reason for this is because doubt has been cast over the consistency of the HUDU model and its application in Tower Hamlets, the detail of which has been considered in two recent Appeal cases:
- Appeal made by Bernard Construction (Stepney) Ltd against the Council of the London Borough of Tower Hamlets (Former Police Station and Magistrates Court, East Arbour Square and West Arbour Square, London E1 0PU) – 29 March 2007; and
 - Appeal made by Virsons Ssas against the Council of the London Borough of Tower Hamlets (10 – 22 Dunbridge Street, London, E2 6JA) – 18 June 2007.
- 8.124 To summarise both cases, the Planning Inspectorate found that:
- The HUDU model has little current policy backing for its use as yet;
 - There is a lack of in-depth information provided regarding the inputs in their analysis (spreadsheet);
 - There are no details of capacity of health services in an area, need or slack in the system.
 - Furthermore, the model does not have a geographical or functional link to the proposal. The exact nature or location of any revenue spent/improvement of healthcare is not identified; and
 - With regard to revenue, the HUDU model relies on the timing of development relative to a 2/3 year funding cycle. However, the harm that is sought to be mitigated may only appear on occupancy, which could occur much later.
- 8.125 Whilst the Planning Inspectorate indicated that healthcare obligations were reasonable requests in most instances, the appeal examples (and this application) do not fully justify the healthcare contributions required by the PCT. As such, the inspectors concluded that, in these particular circumstances, the health contributions would not accord with all the tests in the Circular 05/05. The Circular states that planning obligations can only be sought where they meet all of the five tests.
- 8.126 The Inspectors found that the healthcare obligations had not been shown to be necessary to make the proposed development acceptable in planning terms. Similarly, the obligations had neither been demonstrated to be directly related to the proposed development, nor to be fairly related in scale and kind to the proposed development.

- 8.127 The request from the PCT shows no real evidence of the capacity, need or slack of existing health facilities in the area which might serve the appeal site, nor any indication as to whether or not additional provision would be necessary to meet the demands made by the development. Moreover, the exact nature, location or timing of the proposed new service has not been identified.
- 8.128 In line with the Appeal decisions mentioned above, and recent Planning Committee decisions, the proposed development is similar in that there is insufficient evidence to convince the Planning Department that the requested obligation is directly related to the proposed development, necessary to make it acceptable in planning terms, or fairly and reasonably related in scale and kind to the proposed development.
- 8.129 The request for the financial revenue contribution in this instance is therefore considered to be unreasonable where it may fail to comply with Circular 05/05. The pro-rata contribution which covers the capital contribution (**£482,091.00**) however is considered to be satisfactory.
- 8.130 In respect of an education contribution, the developer will contribute **£542,440.00** towards the education needs of future residents not covered by existing provisions. This represents a pro-rata contribution previously requested by LBTH Education in respect of the previous application PA/08/274.
- 8.131 In respect of affordable housing, the scheme comprises of 30% affordable residential units, and includes studio, 1, 2, 3, and 4 bedroom apartments, with a split of 70:30. A summary table is provided in section 4 as well as discussion of the provision is provided previously in section 8 under 'Housing'.
- 8.132 In respect of transport, the Traffic and Transportation Team verbally confirmed the acceptability of a pro-rata contribution of **£1,340,480.00** for improvements to Aspen Way roundabout and pedestrian linkages especially to the Blackwell DLR station to the north east.
- 8.133 There will also be standard S278 highway improvements/ modifications, including: new access points, modification of existing access points and general repaving as required. No formal advice had been received from TFL in respect of contributions they would consider appropriate such as contributions towards buses or the DLR although this may be provided through the Stage 2 comments from the GLA.
- 8.134 A 'Car Free' agreement is recommended to restrict the occupants from applying for residents parking permits in the area.
- 8.135 In respect of other heads of terms, British Waterways (BW) have requested a contribution for upgrade and improvement of BW land adjacent Poplar Dock which will serve as open space. The agent indicate an initial independent estimate of £560,000.00 for such works as part of the previous application PA/08/274. However, given the available monies potentially secured and the current estimate for the transport contributions, a contribution of £522,989.00 was realistic. A pro-rata **£468,600.00** is secured as part of this application. The agreement will include the requirement for the design, including landscaping to be submitted for approval in writing to LBTH prior to commencement. Council's arboriculturalist and Parks and Landscape team, as well as British Waters and Natural England, will need to consider the detailed design prior to commencement.
- 8.136 Other heads of terms include Transport Assessment, TV/radio reception monitoring and impact mitigation, employment/training initiatives and public art opportunity.
- 8.137 Overall, the revised planning contributions negotiated by LBTH with the developer are

considered to be acceptable, in line with the guidance of the Circular, and will mitigate the impacts of the development.

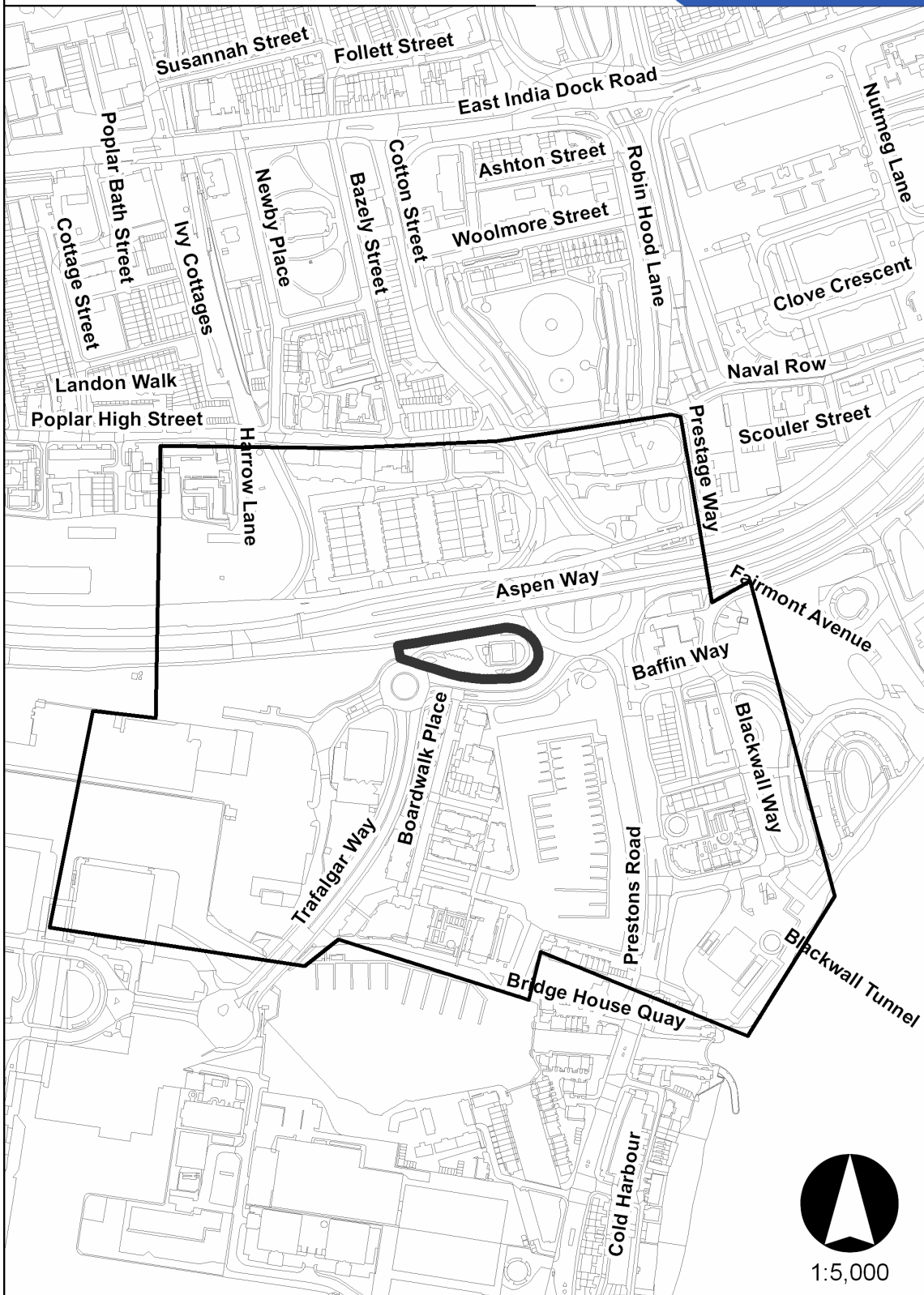
9.0 Conclusions

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

List of Appendices

- **Site Plan**
- **29th May 2008 Committee Recommendation and Report for PA/08/00274**

Planning Application
Site Map



Planning Application Site Boundary



Consultation Area



Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

Agenda Item 7.4

Committee: Strategic Development	Date: 9 th October 2008	Classification: Unrestricted	Agenda Item No: 7.4
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Tim Porter		Ref No: PA/08/1215 and PA/08/1217 (Duplicate Application) & PA/08/1218 and PA/08/1238 (Duplicate Application LBA)	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: Wood Wharf, Preston's Road, London

Existing Use: Primarily light industrial, office and warehouse units. Also residential, indoor sporting facilities and a nursery.

Proposal: PA/08/1215 and PA/08/1217(Duplicate Application)

Hybrid application for comprehensive mixed-use redevelopment of Wood Wharf comprising:

1) Outline Application (all matters reserved, save for access & layout)

- Demolition of dwellings at Lovegrove Walk;
- Commercial floorspace (B1), up to 1668 residential units (C3), and hotel (C1) contained in fourteen buildings;
- Retail (A1), financial services (A2), restaurants & cafes (A3), drinking establishments (A4) and takeaway establishments (A5);
- Leisure & community uses (D1 & D2);
- Associated infrastructure, including the creation of structures in Blackwall Basin and South Dock;
- Principles of landscaping and public realm;
- Means of access;
- Bridge links;
- Car, motorcycle and bicycle parking spaces, servicing; and
- Electricity substation.

2) Full Application

- Creation of canal and other engineering infrastructure.

PA/08/1218 and PA/08/1238 (Duplicate Application LBA)

Partial demolition of a small section of the southern dock wall to Blackwall Basin, for the creation of a new canal between South Dock and Blackwall Basin, and the introduction of piled foundations to anchor structures within the Basin, and other associated works as part of a comprehensive mixed use redevelopment of Wood Wharf.

Drawing No's:

- Details of Layout Drawings

RSHP_A_PMP_X_P_X_1300 (Contextual Layout Plan)
RSHP_A_PMP_X_P_00_1304 (Upper Ground Level)

RSHP_A_PMP_X_P_B0_1305 (Lower Ground Level)
RSHP_A_PMP_X_P_B1_1306 (Basement Level B1)
RSHP_A_PMP_X_P_B2_1307 (Basement Level B2)
RSHP_A_PMP_X_P_00_1309 (Open Space Upper Ground Level)
RSHP_A_PMP_X_P_B0_1310 (Open Space Lower Ground Level)
RSHP_A_PMP_X_P_B3_1311 (Basement Level B3)
RSHP_A_PMP_X_P_00_1314 (Routes Plan – Upper Ground Level)
RSHP_A_PMP_X_P_B0_1315 (Routes Plan – Lower Ground Level)

- Details of Access Drawings

6400/AR/001 Access Details – Upper Ground Level
6400/AR/002 Access Details – Upper Ground Level (Cartier Circle)
6400/AR/003 Access Details – Upper Ground Level (Cartier Circle Layout)
6400/AR/004 Access Details – Upper Ground Level (Wood Wharf Square)
6400/AR/005 Access Details – Lower Ground Level
6400/AR/006 Access Details – Lower Ground Level (Preston's Road Access)
6400/AR/007 Access Details – Lower Ground Level (Preston's Road Access Layout)
6400/AR/008 Access Details – Lower Ground Level (Montgomery Street Access)
6400/AR/009 Access Details – Lower Ground Level (Montgomery Street Access Layout)
6400/AR/0010 Access Details – Basement Level B1
6400/AR/0011 Access Details – Basement Level B2
6400/AR/0012 Access Details – Basement Level B3

- Details of Canal and other engineering infrastructure drawings

118236-03-101 Issue AA Proposed Canal Layout Plan
118236-03-102 Issue AA Typical Canal Sections
118236-03-103 Issue AA W18 Bridge over Canal
118236-03-104 Issue AA W19 Bridge over Canal
118236-03-105 Issue AA W20 Bridge over Canal
118236-03-106 Issue AA Details of Canal Walls over the Utilities Drop Chamber
118236-03-107 Issue AA Southern Canal Entrance
118236-03-108 Issue AA Northern Canal Entrance
118236-03-109 Issue AA Community Park Canal Beach
118236-03-110 Issue AA Canal Capping Details
118236-03-111 Issue AA Illustrative Utilities Chamber Details
118236-03-112 Issue AA Illustrative Attenuation Tank
118236-03-101 Issue AA Eco-Island Details

- Listed Building Consent drawings

01.101 (Rev. B) Listed Dock Edge Plan as Existing – Sheet 1
01.102 (Rev. B) Listed Dock Edge Plan as Existing – Sheet 2
01.103 (Rev. B) Listed Dock Edge Plan as Existing – Sheet 3
01.104 (Rev. B) Listed Dock Edge Plan as Existing – Sheet 4
01.105 (Rev. B) Listed Dock Edge Plan as Existing – Sheet 5
01.106 (Rev. B) Listed Dock Edge Plan as Existing – Sheet 6
01.200 (Rev. C) Site Location Plan as Proposed
01.201 (Rev. B) Listed Dock Edge Plan as Proposed – Sheet 1

01.202 (Rev. C) Listed Dock Edge Plan as Proposed – Sheet 2
 01.203 (Rev. B) Listed Dock Edge Plan as Proposed – Sheet 3
 01.204 (Rev. B) Listed Dock Edge Plan as Proposed – Sheet 4
 01.205 (Rev. B) Listed Dock Edge Plan as Proposed – Sheet 5
 01.206 (Rev. B) Listed Dock Edge Plan as Proposed – Sheet 6
 01.208 (Rev. C) Listed Dock Edge Details – Sheet 1
 01.209 (Rev. B) Listed Dock Edge Details – Sheet 2
 01.211 (Rev. B) Listed Dock Edge Elevations – Sheet 1
 01.212 (Rev. B) Listed Dock Edge Elevations – Sheet 2
 01.100 (Rev. B) Site Location Plan as Existing

- Details of Layout document
- Details of Access document
- Details of Scale Parameters document
- Details of Canal and other engineering infrastructure document
- Planning Statement
- Design and Access Statement/Accessibility Strategy
- Design Guidelines Rev. A
- Environmental Statement
- Environmental Statement clarification matters
- Environmental Statement Regulation 19 Response – Sunlight/daylight
- Public Realm Context
- Water Space and Public Realm Strategy
- Transport Assessment (including additional justification for the number of car parking spaces; further information on the capacity assessments for the Preston’s Road/Aspen Way roundabout and the Aspen Way/Upper Bank Street junction; an extension to the PERS audit in the vicinity of Wood Wharf to cover routes to local facilities including retail, education and public transport facilities; an audit of the bus stop facilities in the vicinity of the site)
- Travel Plan Framework
- Construction Strategy incorporating Code of Construction Practice
- Housing Statement
- Statement of Community Involvement
- Sustainability Statement
- Energy Strategy
- Daylight and Sunlight Assessment, including additional Internal Daylight Assessment
- Estate Management Strategy
- Regeneration and Sustainability Statement
- Cultural Heritage Report
- Retail Impact Assessment
- Aircraft Risk Assessment
- Noise Assessment
- Waste Strategy
- Tree Survey
- Dock Wall Survey
- Statement of Developers Contributions

Applicant: Wood Wharf (General Partner) Limited (WWP), which comprises a partnership of British Waterways, the Canary Wharf Group and Ballymore Properties Limited.

Owner: Various (Certificate C ownership certificate submitted)

- Historic Building:**
- Grade I listed Blackwall Basin
 - Grade I listed West India Export Dock (East Quay)

Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (Consolidated with Alterations since 2004) (London Plan), saved policies within the London Borough of Tower Hamlets Unitary Development Plan 1998 (Unitary Development Plan), Wood Wharf Masterplan Supplementary Planning Guidance (2003) (WWSPG), the Council's Interim Planning Guidance (2007): Core Strategy and Development Control and the Isle of Dogs Area Action Plan, and Government Planning Policy Guidance and other material considerations and has found that:

- The site is an appropriate location to secure the comprehensive redevelopment of a brownfield site within an identified Opportunity Area for a major mixed-use sustainable development of a scale and quality commensurate with Canary Wharf in accordance with Policies 3B.3, 3D.1, 5G.2 and 5G.3 of the London Plan, policy DEV3 of the Unitary Development Plan 1998, the WWSPG and policy IOD17 of the Interim Planning Guidance Isle of Dogs Area Action Plan Submission Document which seek to provide for a mix of uses.
- The proposal seeks to create a sustainable urban quarter comprising a new residential and working communities, supported by a quality environment which brings these two aspects together as a sustainable extension of the Isle of Dogs community in accordance with the WWSPG, policies CP1, CP2 and CP46 of the Council's Interim Planning Guidance, policy IOD1 of the Interim Planning Guidance Isle of Dogs Area Action Plan submission Document, PPS1 and PPS3, which require all new developments to contribute to creating and maintaining sustainable communities where people want to live, work and visit.
- The scheme will consolidate the northern part of the Isle of Dogs as an important global financial and legal centre, whilst also facilitating locally-based employment, training and local labour opportunities for the local community. The scheme therefore accords with policy 3B.11, 5C.1 and 5G.2 of the London Plan, policies EMP1 and CAZ1 of the Unitary Development Plan (1998), the WWSPG, policies CP7 and CP8 of the Council's Interim Planning Guidance (October 2007), which seek to develop London's regional, national and international role whilst safeguarding and enhancing the number and range of jobs available for local residents.
- The hotel use will help support the northern part of Isle of Dogs role as a leading centre of business activity, and in this respect will support London's world city status in accordance with policies 3D.7 and 5C.1 of the London Plan, ART7 and CAZ1 of the Unitary Development Plan 1998, the WWSPG, policies CP13 of the Council's Interim Planning Guidance (2007) and policy IOD15 of the Interim Planning Guidance Isle of Dogs Area Action Plan Submission Document.
- The provision of retail (A1), financial services (A2), restaurants & cafes (A3), drinking establishments (A4) and takeaway establishments (A5) and the social and community facilities (D1 and D2) are acceptable in line with policies 3D.1, 3D.3 and 5C.1 of the London Plan, policies DEV1 and DEV3, EMP6, SCF2 and SCF12 of the Unitary Development Plan 1998 and policies CP15, CP16, CP27, RT4 and RT5 of the Council's Interim Planning Guidance and policy IOD3 and IOD15 of Interim Planning

Guidance Isle of Dogs Area Action Plan Submission Document and PPS6 which seek to protect and enhance the major town centre status of the area, promoting a complementary mix of uses, that achieves the right balance that will help to maximise choice and accessibility to all goods and services for all users.

- The proposed location of the residential uses within the Isle of Dogs Major Centre in this instance will not have a detrimental impact upon the global financial role of the northern part of the Isle of Dogs in accordance with 3D.1 of the London Plan and PPS3 which seek to place housing in locations which offer a range of community facilities with good access to jobs, key services and infrastructure.
- The proposal provides an acceptable amount of affordable housing, mix of units and overall quality accommodation across the site in line with policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.6 3A.9 and 3A.10 of the London Plan, policy DEV1, DEV2 and HSG7 of the Unitary Development Plan, the WWSPG, and policies CP21, CP22, DEV1, DEV2, DEV3, DEV4, HSG2, HSG3, HSG4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a mix of housing sizes and types that are of the highest quality standards, whilst taking into account the housing requirements of different groups.
- The proposal is in line with the Mayor and Council's policy which seek to maximise the development potential of sites. The density of the scheme is considered appropriate for this opportunity area, where it is not considered to result in unacceptable impacts commonly associated with overdeveloped sites, in line with policy 3A.3, 3A.18 and 5C.3 of the London Plan, policies DEV1 and DEV2 of the Unitary Development Plan, the WWSPG, and policies CP5, the and policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development |Control, which seek to ensure development proposals achieve the maximum intensity of use that is compatible with the local context, good design principles and all infrastructure.
- The development will provides new public realm, public open space, child play space and enhanced pedestrian linkages through the site as appropriate in accordance with policies 3A.18 and 4B.1 of the London Plan, policies ST37, DEV1, DEV12, HSG16, T18 and OS9 of the Unitary Development Plan 1998 and policies CP30, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control and PPS3 which seek to improve amenity and liveability for residents whilst creating a more attractive environment for those who live and work here.
- The proposed layout and access of the development, including the indicative building envelopes (such as height, scale, bulk and general design intent) is considered to be acceptable in accordance with policies 4B.1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18; 4C.3, 6, 10, 11, 14, 20, 21, 23 and 3D.13 of the London Plan, policies DEV1, and DEV2 of the Unitary Development Plan 1998, the WWSPG, and policies CP48, CP50, DEV1, DEV2, DEV3, DEV, DEV 27, CON 1, CON2, CON3 and CON4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control and Planning Policy Guidance 15, which seek to ensure buildings are of a high quality design and suitably located.
- The development would form a positive addition to London's skyline, without causing unacceptable harm to local or long distant views in accordance policies 4B.1, 4B.2, 4B.8, 4B.9, 4B.10, 4B.16, and 4B.18 of the London Plan, policies DEV1 of the Unitary Development Plan 1998, the WWSPG, policies CP48, CP50, DEV2, DEV27, CON3 and CON5 of the Interim Planning Guidance (2007): Core Strategy and Development Control and PPG15 which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance important views.

- The safety and security of the scheme is acceptable in accordance with policy DEV1 of the Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which require all developments to consider the safety and security of development without compromising the achievement of good design and inclusive environments.
- The new public realm will enhance pedestrian access and animate the dock edge in accordance with policies 4B.11, 4C.13 and 4C.23 of the London Plan, policies DEV1 and DEV48 of the Unitary Development Plan 1998 and policies CP30, DEV2, DEV 3, DEV4 and OSN3 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to protect and promote the vitality, attractiveness and historic interest of the docks, and to ensure that the design of waterside developments integrate successfully with the water space.
- The proposed development will not have a detrimental impact upon the Grade I listed dock wall and would enhance the historic character and importance, subject to conditions regarding construction methods. As such, the scheme is in line with and policies 4B.11 and 4B.12 of the London Plan and policy CON1 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to protect listed buildings and structures within the Borough and London respectively.
- The development has adequately considered the cumulative impact upon the surrounding public transport network, in line with policy 3C.1, 3C.2, 3C.12, of the London Plan, policies T13 of the Unitary Development Plan 1998, the WWSPG, and policies CP41 Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and IOD2 of the Isle of Dogs Area Action Plan, which seek to ensure there are no detrimental impacts upon the public transport network.
- Transport matters, including parking, access and servicing, are acceptable and in line with policy 3C.23 of the London Plan, policies T16, T18 and T19 of the Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure there are no detrimental impacts upon the highway.
- Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote sustainable development practices.
- Contributions have been secured towards the provision of affordable housing, education, employment and training, community facilities, public transport, Crossrail, local highway network, improvements to connectivity and integration, leisure facilities, public open space improvements, social and community projects, car free agreement, health and development monitoring in line with Government Circular 05/05, policy DEV4 of the Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to secure contributions toward infrastructure and services required to mitigate the impact of the proposed development.
- The proposed canal and other engineering infrastructure will provide increased waterspace, water-based recreation and entertainment opportunities in accordance with 4C.11, 4C.14, 4C.21, 4A.4, 4B.1. 4B.11, 4B.12, 4B.15 of the London plan, DEV1, DEV37, DEV46 of the Unitary Development Plan 1998, the WWSPG, CP36, OSN3, CON1 and Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to provide promote the enhancement of the waterspace
- The development has appropriately considered its potential impact upon surrounding

conservation areas, archaeology assets, listed buildings, dock cranes and world heritage sites in accordance with policies 4B.10, 4B.11, 4B.12, 4B.14 and 4B.15 of the London Plan, policies DEV1, DEV37, DEV43, DEV44 of the Unitary Development Plan and CP48, CP50, CON1 to CON5 Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to minimise any impact upon London's Historic assets.

- Listed building consent application is considered to be acceptable in accordance with 4B.11, 4B.12, 4B.15 of the London Plan, policies DEV1, DEV37, DEV43, DEV44 of the Unitary Development Plan and CP48 and CON1 Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to minimise any impact upon London's Listed Buildings. The listed building consent shall not be issued until planning permission is granted.
- Vehicular, cycle and pedestrian routes to and through the site shall be secured to ensure equal and inclusive environments are maintained in accordance with policy 3C.1, 4B.1, 4B.5 of the London Plan, policy DEV1 of the Unitary Development Plan, the WWSPG, and policies CP2, CP46, DEV2, DEV3, DEV18 of the Interim Planning Guidance (2007): Core Strategy and Development Control.
- The development will operate in accordance with a number of appropriate environmental management strategies including air quality, construction management, contamination, light pollution, noise, TV reception, local infrastructure in terms of sewerage and water, flooding, waste management, car parking management, and recycling to ensure that the estate is operated sustainably with minimal impact upon the surrounding residents in accordance with policies 4A.3 4A.12, 4A.13, 4A.14, 4A.16, 4A.17, 4A.19, 4A.20, 4A.21 of the London Plan, policies DEV2, DEV50, DEV51, DEV55, DEV56, U2, U3 of the Unitary Development Plan and CP37, CP39, CP44, DEV7 – DEV12, DEV15, DEV21, DEV22 of the Interim Planning Guidance (2007): Core Strategy and Development Control.
- The development will mitigate potential impacts upon the ecology and nature conservation area in accordance with 4C.13 of the London Plan, policies DEV57, DEV61 of the Unitary Development Plan and CP31 and CP33 of the Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to protect and enhance all sites of importance for nature conservation.
- The impact of the development upon surrounding residents in terms of sunlight/daylight/shadow analysis, sense of enclosure, loss of outlook/views, privacy/overlooking, separation distances has been assessed and is considered acceptable in accordance with 4B.1, 4B.8 of the London Plan, DEV1 and DEV2 of the Unitary Development Plan and DEV1 and DEV2 of the Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to protect and enhance the amenity for all residents through good design.
- Where the proposed demolition of the Lovegrove Walk houses form part of a comprehensive regeneration strategy for the Site, encompassing up to 1668 units, the proposal is considered to be acceptable in accordance with policy 3A.15 of the London Plan and policy CP23 of the Interim Planning Guidance (2007): Core Strategy and Development Control, which resist the loss of all residential dwelling, unless there are plans for full replacement or greater densities no houses shall be lost without its planned replacement at existing or higher densities.
- Consideration has been given to the objections made to the scheme, but none of these are considered sufficient to outweigh the reasons for granting planning permission and listed building consent.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission for PA/08/1215 and PA/08/1217 (Duplicate Application) subject to:

- A. Any **direction** by **The London Mayor**
- B. Any **direction** by the **Secretary of State** pursuant to the Shopping Development Direction
- C. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Contributions

Transport

- 1 A financial contribution of **£5,000,000** towards bus improvements.
- 2 A financial contribution of **£250,000** towards bus Infrastructure works.
- 3 A financial contribution of **£9,000,000** towards DLR improvements.
- 4 A financial contribution of **£100,000,000** towards Crossrail.

Local Highway Network

- 5 A financial contribution of **£1,750,000** towards highway junction improvements.

Improvements to connectivity and Integration

- 6 A financial contribution of **£2,000,000** towards highway improvement works to deliver the signalisation/at grade pedestrian crossings and public realm works for the Preston's Road roundabout.
- 7 A financial contribution of **£500,000** towards additional public realm works.
- 8 A financial contribution of **£250,000** towards provision of "Velib" cycle station hubs at Blackwall, Canary Wharf, South Quay and Heron Quays DLR stations and within the development itself.

Employment and Training

- 9 A financial contribution of **£5,000,000** towards local employment and training including Skillsmatch.
- 10 A financial contribution of **£3,000,000** towards East London Business Place programme.
- 11 The provision of an on-site Construction Training and Recruitment centre (equivalent value being at least **£2,275,000**).

Education

- 12 A financial contribution of **£2,221,560** towards mitigating the impact of the increased population on primary education provision.
- 13 A financial contribution of **£1,885,900** towards mitigating the impact of the increased residential population on secondary education provision.

Open Space and Leisure

- 14 A financial contribution of **£1,117,319** towards off-site leisure facilities.
- 15 A financial contribution of **£3,435,541** towards off-site open space improvements and / or capacity enhancements in lieu of on-site provision.

Community

- 16 On-site provision of 3,000sqm floor space to accommodate an Idea Store or for such other community purposes as the Council may consider appropriate.
- 17 A financial contribution of **£4,000,000** towards social and community services projects, programmes and/or initiatives.

Health

- 18 On-site provision of 2,000sqm floor space for a new PCT Health and Well Being Centre. Also, provision of a temporary health facility prior to the implementation of the PCT Health and Well Being Centre.

Monitoring

- 20 A financial contribution of **£250,000** towards planning obligation monitoring and implementation, development monitoring and planning enforcement activities, development control activities and travel plan monitoring and implementation.

Total Financial Contribution: **£153,120,030** (including the in-kind value of the on-site Construction Training and Recruitment centre, Idea Store and PCT Health Centre)

Other obligations

- 21 Affordable housing provision of 35% of the proposed habitable rooms with a 70/30 split between rented/ shared ownership.
- 22 Housing units across the site shall be provided in unit sizes of 3 bedrooms or more as follows:
 - 45% (minimum) of the Social Rented Units
 - 11% (minimum) of the Intermediate Units
 - 9% (minimum) of the Market Units (subject to market analysis at each phase)
- 23 Provision of a Residential Amenity Space Strategy
- 24 Delivery of Pedestrian Access Routes (including bridges). This will include public access, management and maintenance and ensure an east-west connection through the site is delivered and maintained.
- 25 Provision of Temporary Access Routes, and public access and management and maintenance during construction (including details and delivery of the shuttle bus service).
- 26 Provision of an Estate Management Strategy
- 27 TV Reception impact surveys and any TV reception mitigation measures
- 28 DLR radio signal impact survey and any DLR radio signal mitigation measures
- 29 Provision of a Shop Mobility Strategy and Management Plan
- 30 Delivery of High Street and Wood Wharf Square, provision of public access and management and maintenance.
- 31 Provision of an Entertainment and Events Strategy (including proposed street markets) and Management Plan
- 32 Delivery of Community Park, provision of public access and management and

maintenance.

- 33 Delivery of Temporary Community Park, provision of public access and management and maintenance.
- 34 Play Space Strategy, provision of public access management and maintenance.
- 35 Waterspace Safety, Maintenance and Management Plan
- 36 Provision of Public Art Strategy and Management Plan
- 37 Preparation, implementation and monitoring of Travel Plans.
- 38 Provision of a marketing strategy for retail units
- 39 Provision of a Construction Phase Parking Scheme
- 40 Provision of a Car Parking Management Strategy
- 41 Car free agreement to restrict occupants applying for residential parking permits.
- 42 Provision of Cycle Tracks, including public access and management and maintenance.
- 43 On-site Construction Training and Recruitment Centre Strategy and Management Plan
- 45 Montgomery Street cross-over strategy in association with the pedestrian bridge
- 46 Safeguarding and bus implementation strategy on the upper Wood Wharf Square level
- 47 The applicant will use all endeavours to assist in bringing forward the delivery of the Millennium Quarter bridge
- 48 Funds to cover the cost of monitoring the implementation of the s106 agreement

Any other planning obligation(s) considered necessary or appropriate by the Corporate Director Development & Renewal

- 3.2 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above, including taking account of the matters set out in paragraph 11.3 of the report.
- 3.3 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

General: Site wide

1. The development must begin within three [3] years from the date of this permission.
2. The final submission of all reserved matters in respect of each of the phases (being appearance, scale and landscaping) must be made within 10 years from the date of this permission. The development of each phase must begin within 2 years from the date of the last reserved matter(s) approved in respect of the relevant phase.
3. The development shall be carried out in accordance with the approved phasing plan, unless otherwise agreed by the LPA (Append to decision)
4. Submission of a detailed phasing programme

5. The development is to be carried out in accordance with the Details of Scale Parameters document. Quantum of floorspace to be limited to that assessed under the ES.
6. The development of Phases 2, 3 and 4 shall not commence upon until non-secured land has been tied into the s106 agreement.
7. The development shall be carried out in accordance with the following site wide strategies submitted:
 - Design Guidelines;
 - Water Space and Public Realm Strategy;
 - Play Space Strategy;
 - Resource and Waste Management Strategy;
 - Details of Scale Parameters;
 - Accessibility Strategy;
 - Energy Strategy; and
 - Estate Management Strategy.
8. The development shall not be commenced until site wide strategies addressing the following matters are submitted (to include all of the EIA mitigation measures where relevant) and the development shall be carried out in accordance with the approved strategies:
 - Cycle Facilities;
 - Environmental Construction Management incorporating Code of Construction Practice;
 - Way Finding Strategy
 - Surface/ foul water drainage and surface water control measures;
 - Flood risk (including protection of the flood defences);
 - Construction of storage facilities for oils, fuels or chemicals;
 - Water supply infrastructure reinforcements;
 - Ecology and nature conservation (including all of the EIA mitigation measures);
 - Cultural Heritage, including archaeology investigations and a programme of recording and historic analysis;
 - Impact of construction on the listed dock walls;
 - Safety and security, including Secured by Design principles;
 - Noise and vibration;
 - Contamination (including water pollution potential);
 - Wind microclimate;
 - Air quality; and
 - Light pollution
9. Details of works to be carried out on the dock banks
10. Submission of details of the floating islands.
11. Development shall not commence until access from Cartier Circle is secured and details submitted.
12. All planting within 5 metres of the docks shall be of locally native plant species only.
13. No building or other obstruction shall be erected over or within 3 metres of any public sewer.
14. External artificial lighting within 5 metres of the bank top shall be directed away from the docks.
15. Restriction on storage of solid matter within 10 metres of the banks of the docks, locks and canal
16. Limit hours of construction to between 8.00 to 18.00, Monday to Friday and 8.00 to 13.00 on Saturdays and no working on Sundays or Public Holidays
17. Submit improvement details to the northern part of the working South Dock, including access, management/maintenance (including historic cranes) and improvement works (including any alterations/ demolition of structures).
18. Buildings to be equipped with aircraft obstacle lighting
19. Details of the proposed works and foundation arrangements (in consultation with LUL)
20. Restriction on the number of vehicular parking/motorcycle spaces on site as follows:

	Office	Retail/Public	Residential	Hotel	Total
Vehicular Spaces	270	93	443	23	829
Motorcycle Spaces	69	25	60	5	159

21. A minimum number of bicycle parking space are to be provided on-site, as follows:

Office	Retail/Public	Res	Hotel	Total
1326	50	1668	20	3064

22. Submit details of the dock water cooling system

Phase 1

Phase Wide

1. Submission of reserved matters (comprising Scale, Appearance and Landscaping) for all development within the phase, excluding building W01)
2. The development shall not be commenced until the following phase wide details are submitted (including all of the EIA mitigation measures where relevant):
 - Resource and Waste Management Plan;
 - Energy Plan;
 - Detailed Access Statement, including Way Finding Plan;
 - Landscape Management Plan;
 - Estate Management Plan;
 - Servicing and Deliveries Management Plan;
 - Details of cycle facilities;
 - Environmental Construction Management Plan, incorporating Code of Construction Practice;
 - Ecology and Nature Conservation Plan (including all of the EIA mitigation measures);
 - Archaeology Investigations;
 - Programme of recording and historic analysis;
 - Impact of construction on the listed dock walls;
 - Safety and security, including Secured by Design principles;
 - Noise and vibration limits;
 - Contamination and remediation plan;
 - Wind microclimate plan;
 - Air quality plan;
 - Surface/ foul water drainage and surface water control measures;
 - Flood risk;
 - Details of the proposed works to achieve access routes for emergency vehicles to the site;
 - Details of riparian life saving equipment;
 - Full particulars regarding the feasibility of using the docks and river for the transportation of construction materials for building;
 - Electrical charging points for vehicles, and
 - Details of sustainable design and construction measures.
3. The development shall not be commenced until the details of the associated highway works have been submitted.
4. The development shall not be occupied until the associated highway works have been carried out.

Building W01

1. Submission of reserved matters comprising Scale, Appearance and Landscaping.
2. Building W01 shall not be occupied until the foot bridge to Montgomery Street is completed.
3. Submission of a detailed access statement.
4. Samples and full particulars of all of the external materials proposed shall be submitted.
5. Details of the cycle facilities
6. Environmental Construction Management Plan
7. Flood warning system
8. Any electrical and mechanical plant must not exceed 10dBA below current ambient noise level.
9. Submit details of green/brown roofs
10. Submission of a Resource and Waste Management Plan
11. Submission of a security management scheme, including Secured by Design assessment
12. Details of the means of ventilation for the extraction and dispersal of cooking smells and other fumes.
13. Submit details of renewable energy measures and carbon emissions
Light pollution assessment
14. Submit details of the CHP plant

Phase 2

Phase Wide

1. Submission of reserved matters (comprising Scale, Appearance and Landscaping) for all development within the phase, excluding buildings W02, W03, W07A, W07A/B, W07B and W08.
2. The development shall not be commenced until the following phase wide details are submitted (including all of the EIA mitigation measures where relevant):
 - Resource and Waste Management Plan;
 - Energy Plan;
 - Detailed Access Statement, including Way Finding Plan;
 - Landscape Management Plan;
 - Estate Management Plan;
 - Servicing and Deliveries Management Plan;
 - Details of cycle facilities;
 - Environmental Construction Management Plan, incorporating Code of Construction Practice;
 - Ecology and Nature Conservation Plan (including all of the EIA mitigation measures);
 - Archaeology Investigations;
 - Programme of recording and historic analysis;
 - Impact of construction on the listed dock walls;
 - Safety and security, including Secured by Design principles;
 - Noise and vibration limits;
 - Contamination and remediation plan;
 - Wind microclimate plan;
 - Air quality plan;
 - Surface/ foul water drainage and surface water control measures;
 - Flood risk;
 - Details of the proposed works to achieve access routes for emergency vehicles to the site;
 - Details of riparian life saving equipment;
 - Full particulars regarding the feasibility of using the docks and river for the

- transportation of construction materials for building;
 - Electrical charging points for vehicles;
 - Details of sustainable design and construction measures; and
 - Details of the A1 – A5 uses (including use, location, shop fronts, operating hours, sizes) within Wood Wharf Square/High Street.
3. Buildings W02 and W03 shall not be occupied until the temporary health facility has been provided.
 4. Details of the hard and soft landscaping of the temporary park(s), including child play space.
 5. Buildings W02 and W03 shall not be occupied until the pedestrian access is provided through the site connecting Preston's Road to Cartier Circle and Montgomery Street.
 6. Restrictions on development until the temporary park has been completed
 7. The development shall not be commenced until the details of the associated highway works have been submitted.
 8. The development shall not be occupied until the associated highway works have been carried out.

Buildings W02 and W03

(Commercial Buildings to be conditioned separately, but for this report, have been grouped together)

1. Submission of reserved matters comprising Scale, Appearance and Landscaping.
2. Submission of a detailed access statement.
3. Samples and full particulars of all of the external materials proposed shall be submitted.
4. Details of the cycle facilities
5. Environmental Construction Management Plan
6. Flood warning system
7. Any electrical and mechanical plant must not exceed 10dBA below current ambient noise level.
8. Submit details of green/brown roofs
9. Submission of a Resource and Waste Management Plan
7. Submission of a security management scheme, including Secured by Design assessment
11. Details of the means of ventilation for the extraction and dispersal of cooking smells and other fumes.
12. Submit details of renewable energy measures and carbon emissions
13. Submit details of the CHP plant
14. Light pollution assessment

Building W07A and W07A/B

(Hotel)

1. Submission of reserved matters comprising Scale, Appearance and Landscaping.
2. 10% of new hotel units will be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users
3. Submission of a detailed access statement.
4. Samples and full particulars of all of the external materials proposed shall be submitted.
5. Details of the cycle facilities
6. Environmental Construction Management Plan
7. Flood warning system
8. Any electrical and mechanical plant must not exceed 10dBA below current ambient noise level.
9. Submit details of green/brown roofs
10. Submission of a Resource and Waste Management Plan
11. Submission of a security management scheme, including Secured by Design

assessment

12. Details of the means of ventilation for the extraction and dispersal of cooking smells and other fumes.
13. Submit details of renewable energy measures and carbon emissions
14. Submit details of the CHP plant
15. Light pollution assessment

Building W07B

(Residential and retail)

1. Submission of reserved matters comprising Scale, Appearance and Landscaping.
2. The residential units shall comply with the minimum space standards;
3. All residential units are to comply with Lifetime Homes standards;
4. No fewer than 10% of the total number of residential units shall be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users;
5. Submission of a detailed access statement.
6. Samples and full particulars of all of the external materials proposed shall be submitted.
7. Details of the cycle facilities
8. Environmental Construction Management Plan
9. Flood warning system
10. Any electrical and mechanical plant must not exceed 10dBA below current ambient noise level.
11. Submit details of green/brown roofs
12. Submission of a Resource and Waste Management Plan
13. Submission of a security management scheme, including Secured by Design assessment
14. Details of the means of ventilation for the extraction and dispersal of cooking smells and other fumes.
15. Submit details of renewable energy measures and carbon emissions
16. Submit details of the sustainable design and constructions measures (a minimum of Code Level 3 is required unless otherwise agreed by the LPA)
17. Details of the A1 – A5 uses where applicable (including use, shop fronts, operating hours, sizes)
18. Light pollution assessment
19. Details of eastern façade treatment to achieve adequate sunlight/daylight levels

Phase 3

Phase Wide

1. Submission of reserved matters (comprising Scale, Appearance and Landscaping) for all development within the phase, excluding buildings W06, W07C, W08 and W09.
2. The development shall not be commenced until the following phase wide details are submitted (including all of the EIA mitigation measures where relevant):
 - Resource and Waste Management Plan;
 - Energy Plan;
 - Detailed Access Statement, including Way Finding Plan;
 - Landscape Management Plan;
 - Estate Management Plan;
 - Servicing and Deliveries Management Plan;
 - Details of cycle facilities;
 - Environmental Construction Management Plan, incorporating Code of Construction Practice;
 - Ecology and Nature Conservation Plan (including all of the EIA mitigation measures);

- Archaeology Investigations;
 - Programme of recording and historic analysis;
 - Impact of construction on the listed dock walls;
 - Safety and security, including Secured by Design principles;
 - Noise and vibration limits;
 - Contamination and remediation plan;
 - Wind microclimate plan;
 - Air quality plan;
 - Surface/ foul water drainage and surface water control measures;
 - Flood risk;
 - Details of the proposed works to achieve access routes for emergency vehicles to the site;
 - Details of riparian life saving equipment;
 - Full particulars regarding the feasibility of using the docks and river for the transportation of construction materials for building
 - Electrical charging points for vehicles; and
 - Details of sustainable design and construction measures.
3. Details of the hard and soft landscaping of the temporary park(s), including child play space.
 4. Restrictions on development until the temporary park has been completed
 5. The development shall not be commenced until the details of the associated highway works have been submitted.
 6. The development shall not be occupied until the associated highway works have been carried out.

Buildings W06

1. Submission of reserved matters comprising Scale, Appearance and Landscaping.
2. Submission of a detailed access statement.
3. Samples and full particulars of all of the external materials proposed shall be submitted.
4. Details of the cycle facilities
5. Environmental Construction Management Plan
6. Flood warning system
7. Any electrical and mechanical plant must not exceed 10dBA below current ambient noise level.
8. Submit details of green/brown roofs
9. Submission of a Resource and Waste Management Plan
10. Submission of a security management scheme, including Secured by Design assessment
11. Details of the means of ventilation for the extraction and dispersal of cooking smells and other fumes.
12. Submit details of renewable energy measures and carbon emissions
13. Submit details of the CHP plant
14. Light pollution assessment
15. Details of the A1 – A5 uses where applicable (including use, shop fronts, operating hours, sizes)

Building W07C, W08 and W09

(Residential Buildings to be conditioned separately, but for this report, have been grouped together)

1. Submission of reserved matters comprising Scale, Appearance and Landscaping.
2. The residential units shall comply with the minimum space standards;
3. All residential units are to comply with Lifetime Homes standards;
4. No fewer than 10% of the total number of residential units shall be designed to be

- wheelchair accessible or easily adaptable for residents who are wheelchair users;
5. Submission of a detailed access statement.
 6. Samples and full particulars of all of the external materials proposed shall be submitted.
 7. Details of the cycle facilities
 8. Environmental Construction Management Plan
 9. Flood warning system
 10. Any electrical and mechanical plant must not exceed 10dBA below current ambient noise level.
 11. Submit details of green/brown roofs
 12. Submission of a Resource and Waste Management Plan
 13. Submission of a security management scheme, including Secured by Design assessment
 14. Details of the means of ventilation for the extraction and dispersal of cooking smells and other fumes.
 15. Submit details of renewable energy measures and carbon emissions
 16. Submit details of the sustainable design and constructions measures (a minimum of Code Level 3 is required unless otherwise agreed by the LPA)
 17. Details of the A1 – A5 and/or D1 uses where applicable (including use, shop fronts, operating hours, sizes)
 18. Details of northern façade treatment to W07C to achieve adequate sunlight/daylight levels

Phase 4

Phase Wide

1. Submission of reserved matters (comprising Scale, Appearance and Landscaping) for all development within the phase, excluding buildings W04, W05, W07D and W13
2. The development shall not be commenced until the following phase wide details are submitted (including all of the EIA mitigation measures where relevant):
 - Resource and Waste Management Plan;
 - Energy Plan;
 - Detailed Access Statement, including Way Finding Plan;
 - Landscape Management Plan;
 - Estate Management Plan;
 - Servicing and Deliveries Management Plan;
 - Details of cycle facilities;
 - Environmental Construction Management Plan, incorporating Code of Construction Practice;
 - Ecology and Nature Conservation Plan (including all of the EIA mitigation measures);
 - Archaeology Investigations;
 - Programme of recording and historic analysis;
 - Impact of construction on the listed dock walls;
 - Safety and security, including Secured by Design principles;
 - Noise and vibration limits;
 - Contamination and remediation plan;
 - Wind microclimate plan;
 - Air quality plan;
 - Surface/ foul water drainage and surface water control measures;
 - Flood risk
 - Details of the proposed works to achieve access routes for emergency vehicles to the site;
 - Details of riparian life saving equipment;

- Full particulars regarding the feasibility of using the docks and river for the transportation of construction materials for building;
 - Electrical charging points for vehicles; and
 - Details of sustainable design and construction measures.
3. Details of the hard and soft landscaping of the Community Park, including child play space.
 4. Restrictions on the commencement of development until the Community Park has been delivered.
 5. Submit details of the pavilion building within the Community Park.
 6. The development shall not be commenced until the details of the associated highway works have been submitted.
 7. The development shall not be occupied until the associated highway works have been carried out.

Buildings W04 and W05

(Commercial buildings to be conditioned separately, but for this report, have been grouped together)

1. Submission of reserved matters comprising Scale, Appearance and Landscaping.
2. Submission of a detailed access statement.
3. Samples and full particulars of all of the external materials proposed shall be submitted.
4. Details of the cycle facilities
5. Environmental Construction Management Plan
6. Flood warning system
7. Any electrical and mechanical plant must not exceed 10dBA below current ambient noise level.
8. Submit details of green/brown roofs
9. Submission of a Resource and Waste Management Plan
10. Submission of a security management scheme, including Secured by Design assessment
11. Details of the means of ventilation for the extraction and dispersal of cooking smells and other fumes.
12. Submit details of renewable energy measures and carbon emissions
13. Submit details of the CHP plant
14. Light pollution assessment
15. Details of the A1 – A5 and/or D1 uses (including use, location, shop fronts, operating hours, sizes).

Building W07D and W13

(Residential buildings to be conditioned separately, but for this report, have been grouped together)

1. Submission of reserved matters comprising Scale, Appearance and Landscaping.
2. The residential units shall comply with the minimum space standards;
3. All residential units are to comply with Lifetime Homes standards;
4. No fewer than 10% of the total number of residential units shall be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users;
5. Submission of a detailed access statement.
6. Samples and full particulars of all of the external materials proposed shall be submitted.
7. Details of the cycle facilities
8. Environmental Construction Management Plan
9. Flood warning system
10. Any electrical and mechanical plant must not exceed 10dBA below current ambient noise level.
11. Submit details of green/brown roofs

12. Submission of a Resource and Waste Management Plan
13. Submission of a security management scheme, including Secured by Design assessment
14. Details of the means of ventilation for the extraction and dispersal of cooking smells and other fumes.
15. Submit details of renewable energy measures and carbon emissions
16. Submit details of the sustainable design and constructions measures (a minimum of Code Level 3 is required unless otherwise agreed by the LPA)
17. Details of the A1 – A5 uses where applicable (including use, shop fronts, operating hours, sizes)
18. Light pollution assessment
19. Details of northern façade treatment to W07D to achieve adequate sunlight/daylight levels

Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

1. Section 106 agreement required;
2. Section 278 agreement required;
3. Contact Thames Water;
4. Contact London City Airport regarding cranes and aircraft obstacle lighting;
5. Contact LBTH Building Control;
6. LBTH Ecology Department advice;
7. English Heritage advice;
8. This permission does not include consent for the indicative moored vessel locations and a separate planning application is required where proposed.
9. Environmental Health advice;
10. London Underground advice;
11. London City Airport advice
12. London Underground Limited advice
13. Environment Agency Advice;
14. Compliance with Code of Construction Practice;
15. Reference to relevant Supplementary Planning Guidance
16. Contact London Fire & Emergency Planning Authority; and

Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

- 3.4 That the Committee confirms that it has taken the environmental information into account as required by Regulation 3(20) of the Town and Country Planning (Environmental Impact) Regulations 1999 (as amended).
- 3.5 That the Committee agrees that following issue of the decision the Corporate Director Development and Renewal should place a statement on the statutory register pursuant to Regulation 21 of the 1999 Regulations (as amended) containing the information required by regulation 21 and that for the purposes of Regulation 21 (1)(c) the main reasons and considerations on which the Committee's decision was based shall be as set out in this report in the summary of reasons for granting permission.
- 3.6 That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.
- 3.7 That the Committee **delegate authority** to the Corporate Director Development & Renewal to **GRANT** listed building consent for PA/08/1218 and PA/08/1238 (Duplicate Application)

subject to:

- A. Consideration of any **views** expressed as a result of the outstanding consultation with the **Statutory Amenity Societies**
- B. The prior completion of a **legal agreement** as detailed above.
- C. **Conditions** to secure the following matters:

Conditions

- 1. Full particulars of the Listed Building Works.
- 2. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The application relates to an urban development project with a development area of more than 0.5 hectares. It thus falls within paragraph 10 of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended). As the project is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's environmental statement (ES), any further information submitted following request under Regulation 19 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 4.2 An ES was submitted by the applicant with the planning application. The Council appointed consultants, Bureau Veritas, to examine the ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, Bureau Veritas confirmed their view that it was compliant, save in respect of further scoping information on the impact on certain residential properties in terms of sunlight and daylight. A Regulation 19 request was therefore served on the applicant requesting further information and the further information was submitted to the Council on 15th September 2008, following which it was publicised in the required manner. Bureau Veritas are satisfied that the further information satisfactorily addresses the position on the sunlight and daylight issues raised in the Regulation 19 request so as to complete the ES.
- 4.3 As the application is in outline (save for the canal works and other engineering infrastructure which are submitted in detail) for the purposes of the assessment of environmental impacts and to comply with the requirements of the EIA Regulations and associated European Directive, the applicant has submitted parameter plans and other information to prescribe key aspects of the development. These include, for example, quantum of floorspace and heights, widths and lengths of building to create 'building envelopes'. Further details of access and layout are submitted for determination at this stage. Should the scheme be approved, the parameters will be fixed in order to keep the development within those assessed in the ES and ensure that the scheme does not give rise to significant environmental impacts which have not been assessed through the EIA process. Should the applicant then bring forward proposals which alter the range of impacts identified and assessed in the ES and further information on which this current application has been determined they may need to be reassessed and/or a new application submitted.
- 4.4 The ES addresses the following areas of impact (in the order they appear in the ES):

- Chapter 1 Introduction 1
- Chapter 2 Approach to the Environmental Assessment
- Chapter 3 Area for Development
- Chapter 4 Description of Proposals
- Chapter 5 Planning Policy
- Chapter 6 Socio-Economic Analysis
- Chapter 7 Archaeological and Cultural Heritage
- Chapter 8 Visual Assessment
- Chapter 9 Transport
- Chapter 10 Waste
- Chapter 11 Noise & Vibration
- Chapter 12 Daylight, Sunlight, Overshadowing, Light Pollution and Solar Glare
- Chapter 13 Ecology and Nature Conservation
- Chapter 14 Wind Microclimate
- Chapter 15 Air Quality
- Chapter 16 Ground Resources and Contamination
- Chapter 17 Utilities
- Chapter 18 Water Resources
- Chapter 19 Radio and TV Interference
- Chapter 20 Residential Amenity
- Chapter 21 Sustainability Principles
- Chapter 22 Summary of Environmental Effects
- Appendix A Energy Strategy
- Appendix B Flood Risk Assessment
- Appendix C Transport Assessment
- Appendix D Sunlight and Daylight Technical Data
- Appendix E Waste Strategy
- Appendix F Cumulative Schemes
- Appendix G Construction Management
- Appendix H Operational Mitigation
- Appendix I Visual Impact Study

4.5 The ES and further information address the likely significant effects of the development, what the impacts are and their proposed mitigation. The various sections of the ES have been reviewed by officers and the Transport Assessment has been reviewed by consultants, White Young Green, who has been appointed by the Council to advise on the transportation aspects of the development. The various environmental impacts are dealt with in relevant sections of this report with conclusions given with proposals for mitigation of impacts by way of conditions and or planning obligations as appropriate.

4.6 In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental impacts are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

5. PROPOSAL AND LOCATION DETAILS

Proposal

5.1 The application is a hybrid application (in duplicate) in that the applicant is seeking outline planning permission for the redevelopment of Wood Wharf for a mixed-use scheme, alongside full planning permission for the canal and other engineering infrastructure works. The proposal comprises a series of tall buildings, which will provide up to 1,668 residential units in a variety of sizes and tenures (up to approximately 200 metres in height) and over

450,000 sq m of commercial floorspace, together with hotel, retail, recreation and community uses, public open space and new access links set within a high quality public realm.

- 5.2 The outline part of the application therefore relates to all aspects of the scheme, with the exception of the canal and other engineering infrastructure. Matters for detailed approval at this stage are access and layout with all other matters, being scale, appearance and landscaping, reserved.
- 5.3 A separate application for Listed Building Consent is also submitted, for partial demolition of a small section of the southern dock wall to Blackwall Basin, for the creation of a new canal between South Dock and Blackwall Basin, and the introduction of piled foundations to anchor structures within the Basin, and other associated works as part of the comprehensive redevelopment of Wood Wharf.
- 5.4 Both applications are to be considered concurrently as a comprehensive package.

Layout

- 5.5 The application seeks approval for layout. The Town and Country Planning (General Development Procedure) Order 1995 (as amended) defines 'Layout' as meaning 'the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside of the development'.
- 5.6 Paragraph 51 of Circular 01/2006 Guidance on Changes to the Development Control System states that for Outline Applications where Layout is applied for in detail, the application should provide (for approval) 'the way in which buildings, routes and open spaces (both private and public) are provided, placed and orientated in relation to each other and buildings and spaces surrounding the development'.
- 5.7 In compliance with these requirements, the 'Details of Layout' have been submitted for approval.

Access

- 5.8 The application seeks approval for Access. In accordance with the Town and Country Planning (General Development Procedure) Order 1995 (as amended), this is defined as accessibility to and within the site for vehicles, cycles and pedestrians, in terms of positioning of treatment of access and circulation routes and how these fit into the surrounding access networks.
- 5.9 Paragraph 51 of Circular 01/2006 Guidance on Changes to the Development Control System states that for Outline Applications where access is applied for in detail, the application should cover (for approval) 'accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.'
- 5.10 In compliance with these requirements, the 'Details of Access' have been submitted for approval.

Scale, Appearance and Landscaping

- 5.11 The proposed outline application reserves scale, as well as appearance and landscaping. Circular 01/2006 Guidance on Changes to the Development Control System states that for According to paragraph 52, where scale is reserved, as a minimum, the application should provide 'an indication of the upper and lower limits for height, width and length of each

building within the site boundary', to establish a 3-dimensional building envelope within which the detailed design of the buildings will be constructed.

5.12 Maximum and minimum parameters including heights, widths and lengths of buildings have been applied for. These parameters have provided a building envelope within which the final scheme must lie within and therefore have also formed the basis of the ES. The applicant has treated all 'built form' and 'other structures' (such as boardwalks, basements and structural islands) as being included within this definition. For the purposes of approving Layout in detail at this stage, this application shows only the maximum widths and lengths of buildings.

5.13 The table below outlines the Schedule of Scale Parameters for each "building":

Building Envelope Number	Primary Use	Maximum Height*	Minimum Height*	Maximum Length	Minimum Length	Maximum Width	Minimum Width
W01	Office	134.45	126.05	81.000	58.500	57.000	47.000
W02/03	Office	194.25	188.05	69.000	59.000	135.000	124.000
W04	Office	141.85	129.25	57.000	47.000	57.000	47.000
W05	Office	125.05	116.65	45.000	35.000	57.000	47.000
W06	Office	199.90	183.85	45.000	35.000	57.000	47.000
W07A	Hotel	134.45	114.45	27.000	15.000	39.500	25.000
W07A/B	Hotel	33.00	23.00	33.500	23.500	14.500	9.500
W07B	Residential	206.02	186.02	33.500	20.000	33.500	20.000
W07C	Residential	160.25	140.25	45.000	30.000	26.000	15.000
W07D	Residential	119.30	99.30	40.000	25.000	26.000	15.000
W08	Residential	124.55	78.00	56.542	30.000	22.000	14.000
W09	Residential	69.45	23.80	21.000	14.000	99.500	93.500
W10	Amenity Deck	9.15	7.50	37.856	35.061	127.030	121.923
W11A	Retail	17.75	16.75	8.500	7.300	15.000	13.651
W11B	Retail	17.75	16.75	8.500	6.750	15.000	13.100
W11C	Retail	17.75	16.75	14.000	13.000	41.500	40.500
W11D	Retail	17.75	16.75	8.500	6.750	31.500	25.874
W11E	Retail	17.75	16.75	8.500	7.500	27.500	26.386
W11F	Retail	17.75	16.75	8.500	5.250	11.750	6.654
W12A	Retail	12.75	12.75	28.250	26.000	195.500	193.000
W12B	Retail	12.75	12.75	63.250	41.250	48.500	47.000
W12C	Retail	12.75	12.75	63.250	41.250	70.500	67.500
W12D	Retail	12.75	12.75	63.250	41.250	64.500	60.500
W13	Residential	69.45	42.70	48.432	27.000	20.000	14.000
W22	West Side Basements	12.75	5.50	240.424	238.465	305.910	295.500
W23	East Side Basements	6.00	5.50	101.700	100.211	153.250	133.973
W25	Electrical Substation	15.65	12.63	77.170	40.500	18.600	6.250
W27	Park Pavilion	12.00	9.00	18.500	12.500	12.000	6.000
Other Structures Number							
W14	Bridge	10.23	6.00	143.223	143.223	15.104	9.409
W15	Waterside Boardwalks & Island	6.00	5.00	87.623	80.498	116.411	112.648
W16	Bridge	11.50	6.00	137.570	123.301	98.264	26.094
W17	Waterside Boardwalks & Island	12.75	5.50	57.606	53.606	262.930	258.800
W18	Bridge	7.00	6.00	39.218	33.783	13.381	6.400
W19	Bridge	7.00	6.00	20.715	20.715	15.000	6.400
W20	Bridge	7.00	6.00	19.397	16.892	15.697	3.000
W21	Floating Islands	6.00	5.00	62.568	50.668	113.603	105.486
W24	High Street Canopy	28.75	21.15	23.500	15.000	230.000	109.625

Note: * Levels are National Ordnance Datum Level

As indicated above, these parameters will be fixed by condition to ensure that the

development keeps within the limits assessed for EIA purposes.

Quantum of Development

- 5.14 Paragraph 52 of Circular 01/2006 also states that where scale is reserved, 'the amount of development proposed for each use', must be provided
- 5.15 The applicant has submitted quantum figures which are based on the maximum envelopes mentioned above. The applicant has advised that not every building will be capable of being developed out to its maximum dimensions and are therefore considered to be indicative, subject to details of design to be approved at the reserved matters stage.
- 5.16 The quantum of development listed below reflects the maximum parameters and, as indicated above, these parameters will be fixed to ensure the development keeps within the parameters assessed for EIA purposes.

Use	Floorspace (sqm)(GIA)	Floorspace (sqm)(GEA)
Office (B1)	453,444	460,484
Retail (A1 – A5)	19,488	19,886
Leisure and community uses (D1 and D2)	4,984 sqm	5,086
340 bedroom hotel (C1)	26,325 sqm	26,937
1,668 residential units	-	-

- 5.17 The table below compares the estimated quantum of development established within the Wood Wharf Masterplan: Supplementary Planning Guidance 2003 (WWSPG) against the proposed quantum of development within this application:

Use	WWSPG (sqm)	Proposal (sqm)
Office	330,000	460,484
Retail		19,886
Community facilities	Area not defined	5,086
Hotel/serviced apartments	10,000	26,937
Residential	120,000 (or 1500 units)	1668 units

Phasing

- 5.17 In accordance with the WWSPG, the comprehensive re-development of Wood Wharf would be a long-term exercise that would require a phased approach. A four-phased approach was suggested over a 10-year period.
- 5.18 The following table summarises the proposed phasing and construction sequence (details of which are described in more detail later in this report):

Phase 1	<ul style="list-style-type: none"> • Building W01 • Footbridge to Canary Wharf • EDF substation
Phase 2	<ul style="list-style-type: none"> • Construction of office buildings (W02 and W03), hotel (W07A and W07A/B), residential buildings (W07B) Wood Wharf Square and Wood Wharf High Street • Vehicle bridge connecting to Canary Wharf • Temporary NHS Centre • Temporary Community Park facilities
Phase 3	<ul style="list-style-type: none"> • Construction of office building W06 • Construction of residential buildings W07C, W08 and W09 (including W13 basement and substructure construction) • Temporary Community Park facilities
Phase 4	<ul style="list-style-type: none"> • Construction of office buildings W04 and W05.

- Construction of residential buildings W07D and W13
- Construction of the new Canal and bridges, the final Community Park and the remaining Public Realm

The Site

Description

- 5.19 The Wood Wharf site is situated in the northern part of the Isle of Dogs and has a land mass area of 7.98 hectares (ha). The application site however extends to an area of 13.34 ha where it includes surrounding water space area, containing proposed infrastructure extending from existing land mass. The site lies immediately to the east of Canary Wharf and to the west of Preston's Road. Blackwall Basin defines the northern boundary of the site with the River Thames locks and South Dock forming the southern boundary.
- 5.20 Wood Wharf today comprises a number of low-rise, light industrial, office and warehouse units. The site is therefore previously developed but largely underused. The following uses are currently accommodated on the site:
- A Cable and Wireless telecommunications hub;
 - Fulton's umbrella warehouse;
 - Large shed-style buildings accommodating temporary paintball and indoor recreation activities;
 - A small amount of office space and a data centre;
 - Children's nursery;
 - Ventilation Shaft to the Jubilee Line; and
 - Residential properties along Lovegrove Walk (which lie outside of the WWSPG area).
- 5.21 The site has operated as a low density employment site and the applicant has estimated that up to 200 jobs existed on the Wood Wharf site in the recent past although there are fewer today.
- 5.22 The site contains a number of features which are considered to be of historical importance:
- Blackwall Basin is identified as Grade I listed and is located to the north of the site.
 - Part of the former West India Dock walls is Grade I listed.
 - Three cranes which are understood to have been relocated from elsewhere on the Isle of Dogs, front onto the river lock on the south-east corner of the application site.

Site Access

- 5.23 Vehicular and pedestrian access is via a private estate road to the east of the site from Preston's Road. The estate access road currently provides the only link through the site at a level which is approximately 7 metres lower than Cartier Circle to the north-west of the site. There are no direct links with the Canary Wharf Estate except via a set of privately owned and temporary pedestrian steps leading down from Cartier Circle which are narrow and poorly lit. The indirect nature of the link to Canary Wharf makes it an unattractive route for pedestrians, especially out of daylight hours. The north east of the site (Lovegrove Walk) is also accessed by vehicle and foot from a private road leading off Preston's Road.
- 5.24 The Wood Wharf site is accessible by a number of modes of public transport including the London Underground Limited services (LUL), Docklands Light Railway (DLR) and buses. The nearest underground station to the site is the Jubilee Line station at Canary Wharf which is approximately 550m from the centre of the site and using the existing road network. There are three DLR stations within one kilometre of the site, Blackwall to the north and Canary Wharf and Heron Quays to the west. There are five TfL bus services and one dedicated night bus which serves the site including the D3, D6, D7, D8 and the 277.

These bus routes provide access to the Isle of Dogs and the wider area.

Conservation Context

- 5.25 As well as the listed dock walls on site, and a number of listed buildings noted in the vicinity of the site, Wood Wharf is also surrounded by a number of Conservation Areas. The nearest Conservation Area is Coldharbour located immediately to the east of the application site. A number of listed buildings are present in the Coldharbour Conservation Area and are generally located on the Thames waterfront. The area is generally of mixed character with much new development sitting alongside remaining historic elements.

The surrounding conservation areas identified within the ES are listed below:

- 5.26
- Coldharbour;
 - Navel Row;
 - St Mathius Church, Poplar;
 - All Saints Church, Poplar;
 - West India Dock;
 - St Frideswide's;
 - Balfour Tower; and
 - Lansbury.
- 5.27 The listed buildings closest to the site boundary have been assessed within the ES and are listed below:
- 5.28
- Blackwall Basin (Grade I);
 - Quay walls, copings at buttresses to Import Dock and Export Dock, West Ferry Road (Grade I);
 - Poplar Dock, original eastern part, Preston's Road (Grade II);
 - The Gun Public House, Coldharbour (Grade II);
 - Blackwall River Police Station, Coldharbour (Grade II);
 - 5 & 7 Coldharbour (Grade II);
 - 3 Coldharbour (Grade II);
 - Isle House, 1 Coldharbour (Grade II);
 - Bridge House, 26 Preston's Road (Grade II);
 - 15 Coldharbour (Grade II);
 - Accumulator Tower, Preston's Road (east) (Grade II); and
 - Accumulator Tower, Poplar Dock (west) (Grade II)

Surrounding Area

- 5.29 Wood Wharf is situated within an area undergoing unprecedented change and redevelopment, with a number of high-density residential and commercially-led developments taking place within the Isle of Dogs.
- 5.30 The Isle of Dogs has experienced rapid growth in the past 15 years and continues to do so. One Canada Square (Canary Wharf Tower) is the focal point of Canary Wharf comprising a landmark building at 50 storeys (244m). The Canary Wharf complex comprises offices, retail malls and hotel facilities and is a thriving financial and business district. The area has become a place which is recognised globally as a focus for banking and business services and is recognised as playing a major role in enhancing London's position in the global economy.
- 5.31 Aside from commercial land use, the majority of the Isle of Dogs is residential, comprising both traditional older properties as well as new developments.

- 5.32 The surrounding area has been analysed as follows:
- 5.33 **West:** To the west of the site is the Canary Wharf Estate. The varying scaled office buildings range from low rise 10 to 15 storey buildings up to 50 storey tower buildings providing 1.2 million sq. ft. in a single building. The Canary Wharf retail mall situated below ground level provides the closest food and retail shopping to the site, within a 5 minute walking distance from Cartier Circle.
- 5.34 **North:** Two new office towers are planned along North Quay, adjacent to the new Marriott serviced apartments and hotel. Billingsgate Fish Market comprises a shed located alongside the DLR and across from the HSBC tower at North Quay. Proposals may come forward in the future to redevelop Billingsgate Market. Poplar Dock and Blackwall Basin are located to the north of the site.
- 5.35 Poplar Dock to the north of Blackwall Basin has been redeveloped into an eight storey residential apartment development. On its south western end, adjacent to Trafalgar Way a high-rise residential tower is located. In both basins, houseboats and barges are accessed by private boardwalks. On the east and to the north-east there is the historic graving dock situated between Lancaster Drive and the incomplete Lovegrove Walk both characterised by two and three storey private terraced houses, and the old lock into Blackwall Basin; this has been closed to access by boat from the River Thames by the construction of a fixed bridge on Preston's Road. These developments were part of the original residential developments constructed around the time of the dissolution of the LDDC, in the mid to late 1990's.
- 5.36 There is a small cluster of tall residential buildings to the north-east of the site along Blackwall way, including the recently approved Alberta House (25 storey residential development) and New Providence Wharf (Part 44 storey residential led development).
- 5.37 **East:** Coldharbour Conservation Area is located to the east of the site and contains a number of residential properties and Grade II listed buildings including the Gun Public House.
- 5.38 **South:** Manchester Road, to the south, across the working lock that connects the River Thames with South Dock is lined with two storey Victorian houses. Their back gardens are adjacent to the Sea Scout facilities housed in a new building that looks west across the length of the South Dock. Across the South Dock a range of residential and office buildings vary in height from 6 to 15 storeys. The lock, which the blue lifting bridge crosses, is the only access into the Isle of Dogs lock system for boat and vessels. A permanent security barrier and fence line has to be maintained separating the site from the lock along the southern edge. Within this restricted area there are three existing dock cranes which will be retained.
- 5.39 In general the character around the site is one of a mixture of commercial buildings to the west, a mid to high rise scale mix of residential and commercial buildings to the south and north, and low rise houses to the east.

Planning History

- 5.40 The planning permissions for a number of the existing buildings on site date back to the late 1970s and early 1980s and are generally for industrial and storage uses.
- 5.41 Details of the planning permissions for some of the buildings on the site are not available. Where this is the case, the applicant believes that these buildings may have been constructed prior to the commencement of the Town and Country Planning Act, 1947.
- 5.42 Most recently, planning permission was granted for the relocation of the Cable and

Wireless network facility in 2007 (PA/06/2222) to allow for the comprehensive redevelopment of the Wood Wharf site. The permission related to the relocation of the Cable & Wireless Network facility presently at the western end of the site, to a new site adjacent to the Jubilee Line ventilation shaft. This relocation will allow Cable & Wireless to continue to operate and provide their services.

- 5.43 Notably, the proposal has evolved from the Wood Wharf Masterplan: Supplementary Planning Guidance Document (WWSPG), adopted in 2003 by the Council. The WWSPG recognises Wood Wharf as one of the few significant sites on the Isle of Dogs capable of securing a major mixed-use sustainable development of a scale and quality commensurate with Canary Wharf and which is able to contribute to the regeneration of the wider area. The WWSPG identifies development opportunities across the site and outlines the broad development principles that will guide its redevelopment. It is to be noted that the boundary of the WWSPG did not include the Lovegrove Walk properties as proposed within this development.
- 5.44 As is discussed elsewhere in this report, the developer does not yet control all of the land comprised within the application site. To facilitate the comprehensive development of Wood Wharf and the appropriate regeneration of the site, the WWSPG acknowledges that it may be necessary for the developer to ask the Council to use its powers of Compulsory Purchase, subject to the developer providing funding to underwrite acquisition and all associated costs. The WWSPG requires the developer to work closely with all landowners, the Council and other relevant agencies to achieve, as far as possible, a negotiated solution.

6. POLICY FRAMEWORK

6.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

6.2 **Spatial Development Strategy for Greater London Consolidated with Alterations Since 2004 (London Plan February 2008)**

2A.1	Sustainability criteria
2A.5	Opportunity areas
2A.8	Town centres
3A.1	Increasing London’s Supply of Housing
3A.2	Borough housing targets
3A.3	Maximising the potential of sites
3A.5	Housing choice
3A.6	Quality of new housing provision
3A.7	Large residential developments
3A.8	Definition of Affordable Housing
3A.9	Affordable housing targets
3A.10	Negotiating affordable housing in individual private residential and mixed-use schemes
3A.15	Loss of housing
3A.17	Addressing needs of diverse population
3A.18	Protection and Enhancement of social infrastructure and community facilities
3A.20	Health objectives
3A.21	Locations for health care
3A.28	Socio-economic analysis
3B.1	Developing London’s economy
3B.2	Office demand and supply
3B.3	Mixed use development
3B.11	Improving Employment Opportunities

3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.3	Sustainable Transport
3C.12	Crossrail
3C.23	Parking strategy
3D.1	Supporting town centres
3D.2	Town centre development
3D.4	Promotion of arts and culture
3D.7	Visitor Accommodation and Facilities
3D.8	Open space infrastructure
3D.13	Children and Young People Play Strategies
3D.14	Biodiversity and nature conservation
4A.1	Tackling climate change
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.5	Heating and cooling networks
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.9	Adaptation to climate change
4A.10	Overheating
4A.11	Living roofs
4A.12	Flooding
4A.13	Flood risk management
4A.14	Sustainable drainage
4A.16	Water supply and resources
4A.17	Water quality
4A.19	Air quality
4A.20	Noise
4A.21	Waste
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.6	Safety, security and fire prevention
4B.8	Respect local context and communities
4B.9	Tall buildings - location
4B.10	Large-scale buildings – design & impact
4B.11	London's built heritage
4B.12	Heritage conservation
4B.13	Conservation-led regeneration
4B.14	World heritage sites
4B.15	Archaeology
4B.16	London view management framework
4B.18	Assessing impact on designated views
4C.3	Natural value of the Blue Ribbon Network
4C.6	Priorities for the Blue Ribbon Network
4C.8	Freight uses on Blue Ribbon Network
4C.10	Sport and leisure on the Blue Ribbon Network
4C.11	Access alongside the Blue Ribbon Network
4C.13	Moorings on the Blue Ribbon Network
4C.14	Structures over the Blue Ribbon Network
4C.20	Development adjacent to canals
4C.21	New canals
4C.23	Docks
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London
5G.2	Strategic priorities for CAZ and the northern part of the Isle of

5G.3 Dogs
 Central Activities: Offices
 6A.4 Planning Obligation Priorities

6.3 **Unitary Development Plan 1998 (as saved September 2007)**

Proposals: Flood Protection Area
 Central Area Zone
 Water Protection Area
 Site of Nature Conservation Importance
 Residential (Plan ref.150: Jamestown Harbour).

Policies: ST12 Provision of recreational, cultural and leisure facilities in CAZ
 ST15 Facilitate expansion of Local economy
 ST15 High quality work environments
 ST23 High Quality Housing
 ST25 Housing to be adequately served by all infrastructure
 ST28 Restrain unnecessary use of private cars
 ST30 Improve safety and movement for all road users
 ST34 Improved provision of shopping facilities
 ST37 Enhancing Open Space
 ST41 Arts and Entertainment Facilities
 ST43 Public Art
 ST47 Provision of training Initiatives
 ST49 Provision of social and community facilities
 ST50 Provision of medical services
 DEV1 Design requirements
 DEV2 Environmental requirements
 DEV3 Mixed Use development
 DEV4 Planning obligations
 DEV8 Protect local views
 DEV37 Proposals to alter listed buildings
 DEV42 Ancient monuments
 DEV43 Archaeological heritage
 DEV44 Preservation of archaeological remains
 DEV46 Protection of water corridors
 DEV50 Noise
 DEV51 Contaminated Land
 DEV55 Development and Waste Disposal
 DEV56 Waste recycling
 DEV57 Nature conservation areas
 DEV61 Management of nature conservation areas
 DEV69 Efficient use of Water
 CAZ1 Location of central London core activities
 EMP1 Encouraging new employment uses
 EMP6 Needs of local people
 EMP7 Work environment
 HSG4 No net loss of housing
 HSG6 Separate Access
 HSG7 Dwelling Mix
 HSG13 Internal residential space
 HSG15 Residential Amenity
 HSG16 Residential amenity Space
 T3 Additional bus services
 T16 Impact of Traffic
 T18 Pedestrian Safety and Convenience
 T19 Pedestrian Movement In Shopping Centres
 T21 Existing Pedestrians Routes

S7	Special uses (A3, A4 and A5 uses).
S9	Street markets
S10	New shopfronts
OS9	Child Play Space
ART1	Entertainment uses
ART7	Hotel developments
SCF2	Day care facilities
SCF12	Library services
U2	Consultation Within Areas at Risk of Flooding
U3	Flood Defences

6.4 **Supplementary Planning Guidance/Documents**

Wood Wharf Masterplan
 Archaeology and development
 Designing out crime
 Canalside development
 Landscape requirements
 Residential space
 Shop front design
 Sound insulation

6.5 **Interim Planning Guidance for the purposes of Development Control (Oct 2007)**

Proposals:

- Major Centre
- Major Centre – secondary frontage
- Flood risk area
- Blue ribbon network
- Site of importance for nature conservation
- Crossrail boundary
- Jubilee Line
- Strategic cycle route
- Development Site ID5: Employment (B1 and B2), Retail and Leisure (A1, A2, A3, A4 and A5), Residential (C3) and Public Open Space

Core Strategies:

IMP1	Planning obligations
CP1	Sustainable communities
CP2	Equality of opportunity
CP3	Sustainable environment
CP4	Good design
CP5	Supporting infrastructure
CP7	Job creation and growth
CP8	Tower Hamlets global financial and business centre and the central activities zone
CP13	Hotels and serviced apartments
CP15	Provision of a range of shops
CP16	Vitality and viability of town centres
CP17	Evening and night-time economy
CP19	New housing provision
CP20	Sustainable residential density
CP21	Dwelling mix
CP22	Affordable housing
CP23	Retention of existing housing
CP25	Housing amenity space
CP27	Community facilities
CP29	Improving education and skills

CP30	Improving the quality and quantity of open space
CP31	Biodiversity
CP33	Site of nature conservation importance
CP36	Water environment and waterside walkways
CP37	Flood alleviation
CP38	Energy efficiency and production of renewable energy
CP39	Sustainable waste management
CP41	Integrating development with transport
CP44	Sustainable freight movement
CP46	Accessible and inclusive environments
CP47	Community safety
CP48	Tall buildings
CP49	Historic environment
CP50	Important views

Policies:

DEV1	Amenity
DEV2	Character & design
DEV3	Accessibility & inclusive design
DEV4	Safety & security
DEV5	Sustainable design
DEV6	Energy efficiency & renewable energy
DEV7	Water Quality and Conservation
DEV8	Sustainable drainage
DEV9	Sustainable construction materials
DEV10	Disturbance from Noise Pollution
DEV11	Air quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV14	Public art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport assessments
DEV18	Travel plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of utility infrastructure
DEV21	Flood risk management
DEV22	Contaminated land
DEV25	Social impact assessment
DEV27	Tall buildings
EE2	Redevelopment of employment site
RT4	Retail development and the sequential approach
RT5	Evening and night-time economy
HSG1	Determining residential density
HSG2	Housing mix
HSG3	Affordable housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing amenity space
HSG9	Accessible and Adaptable Homes
SCF1	Social and Community Facilities
OSN3	Blue ribbon network
CON1	Listed buildings
CON2	Conservation areas
CON3	Protection of world heritage sites
CON4	Archaeology and ancient monuments
CON5	Protection and management of important views
IOD1	Spatial strategy
IOD2	Transport and movement

IOD3	Health provision
IOD4	Education provision
IOD5	Public open space
IOD6	Water space
IOD7	Flooding
IOD8	Infrastructure capacity
IOD10	Infrastructure and services
IOD13	Employment Uses in the Northern sub-area
IOD14	Residential uses in the Northern sub-area
IOD15	Retail and Leisure Uses
IOD16	Design and Built Form in the Northern sub-area
IOD17	Site allocations in northern sub-area

6.6 Government Planning Policy Guidance/Statements

PPS1	Delivering sustainable development
PPS3	Housing
PPG4	Industrial and commercial development and small firms
PPS6	Town centres
PPS9	Biodiversity & conservation
PPS10	Waste
PPG13	Transport
PPG15	Planning & the historic environment
PPG16	Archaeology
PPG17	Sport and recreation
PPS22	Renewable energy
PPS23	Planning and pollution control
PPG24	Noise
PPS25	Development and flood risk

6.7 Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure

7. CONSULTATION RESPONSE

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

7.2 The following were consulted regarding the application:

LBTH Access to Employment

7.3 Support in principle, subject to a financial contribution towards access to employment initiatives as follows:

- £5,000,000 towards Skillsmatch
- £3,000,000 towards East London Business Place programme.
- Provision of on-site Construction Training and Recruitment centre (equivalent value£2,275,000)

(Officer Response: The applicant has agreed to the financial contribution towards Skillsmatch and East London Business Place programme. With respect to the on-site Construction Training and Recruitment centre, the applicant is proposing to operate the centre on-site in-kind, which the Employment and Training Officer has agreed to in principle, subject to the submission of a strategy to be secured by s106 agreement to

ensure the needs of the community are met by this proposal. The centre must be offered at an equivalent value to that requested by the Council).

LBTH Cultural Services

7.4 The scheme is supported in principle where significant advances have been made in relation to public open space and child play space. However, in order to ensure the cultural sustainability and to mitigate its impact on existing facilities, a s106 agreement should be entered into to secure the following:

- Play Space - provision within the site should be available when the first residential phase is occupied. Further play areas, should be provided as further phases are occupied.
- Publicly accessible open space – to be provided on-site to meet the recreational and non-recreational needs of the residents. Where the on-site provision does not meet the minimum requirement, a contribution of £3,435,541 is required towards improved capacity, quality or access to existing public open space or laying out of new open space in line with the Council's Open Space Strategy.
- Idea Store - The relocation of the facility to the Wood Wharf site will increase the capacity and improve access to services for existing communities to the south of Canary Wharf and in the wider Isle of Dogs area. A shop unit of 3,000sqm ground floor active frontage retail space should be secured by s106 agreement. However, given the timescales of the phase in which this unit would be delivered and the fact that the Idea Store strategy is presently under review, a clause should be inserted to ensure the unit is capable of being used for alternative community uses for the public.
- Leisure facilities - The development will place additional pressure on existing indoor sports and recreation facilities. A total contribution of £1,117,319 is required towards improvements to the capacity of indoor sport or recreation facilities or towards the provision of new indoor sport or recreation facilities in line with the emerging leisure centres strategy.

(Officer Comment: The applicant has agreed to the proposed contributions. These are discussed in more detail later in this report).

LBTH Ecology

7.5 The Black Redstart and Bat surveys, have been carried out correctly. It is accepted that, according to the findings, this development will not have a negative effect on these species. The inclusion of new trees, living roofs and green walls, will provide a positive enhancement, in terms, of foraging and nesting. Consideration of Bat Bricks within the development would also be a positive enhancement.

7.6 The developer should be directed to a publication 'Design for Biodiversity' and ensure where possible, that shrubs and plants have berries and are rich in nectar. This should also apply to the proposed tree planting.

(Officer Comment: Landscaping is a reserved matter. Notwithstanding, this matter can be addressed by condition).

LBTH Education

7.7 The proposed dwelling mix of up to 1688 units has been assessed for the impact on the provision of school places in the borough. Using the Council's standard approach for new residential developments. This shows that the total number of proposed units would lead to the need to contribute towards the provision of 180 additional primary school places @ £12,342 = £2,221,560.

- 7.8 The Council projects that a new secondary school will be required by 2014, by that time all existing unfilled capacity will be taken up and a new 8 form of entry school will be required. This requirement is well within the implementation timescale of the Wood Wharf development. The Council is in the process of identifying a suitable site. (The need for a new secondary school was identified in the IPG). The child yield calculation gives a lower yield for secondary need than primary, based on customary patterns of roll retention in schools (100 additional places). The cost per place (£18,859) results in the need for a contribution of £1,885,900.

(Officer Comment: The applicant has agreed to contribute towards all of the requested contributions).

LBTH Energy Efficiency Unit

- 7.9 Concerns had been raised over the proposed network system rather than a single energy centre. However, given the scale and complexity of the proposed development, the energy department has advised that they will accept the GLA's final position in support of the scheme.

LBTH Environment Health

Air quality

- 7.10 The results of the air quality assessment are accepted. However further clarification on the following was requested:

- 7.11
- Detailed modelling of the emissions from the boiler plants.

(Officer Comment: The applicant has advised that a full modelling assessment, will be provided at the reserved matters stage when the nature of the boilers, fuel type & source, size of boiler plant, location of flue, stack height, flue diameter, velocity, temperature and pollutant emission rates (g/s) are known. The Council's air quality officer has confirmed that this matter can be dealt with by condition).

- 7.12
- Detailed modelling of the emissions from the boiler plants.

(Officer Comment: The applicant has advised that the air quality assessment recommends that the car park ventilation system would need to be appropriately designed at the detailed design stage. The Council's air quality officer has confirmed that this matter can be dealt with by condition).

- 7.13
- All mitigation measures for dust and emissions during the construction/demolition phase must be conditioned with an EMP.

(Officer Comment: The applicant has advised that dust monitoring will be undertaken throughout the duration of the construction works as recommended within the air quality assessment. This will be addressed by condition through the implementation of a Construction Environmental Management Plan).

- 7.14
- A D1 stack height calculation to be done to determine the exit point of the flue.

(Officer Comment: The air quality assessment recommends that the D1 stack height calculation should be undertaken at detailed design stage. The air quality officer has confirmed that this matter can be dealt with by condition).

Contamination

- 7.15 The Environmental Health department is satisfied with the outline proposals for the management of contaminated land in the pre-construction, construction and operational phases and that all potential receptors on and surrounding the site has been accounted for.
- 7.16 Although some intrusive works have already been carried out (*Concept 2005*), in which only slight contamination was identified, these are by no means comprehensive (due to a lack of access) and proposals for additional works are appropriate.
- 7.17 The proposal to submit a desk study report and agree the scope of proposed ground investigation pre-construction is sensible.

(Officer Comment: This matter can be appropriately dealt with by condition).

Noise

- 7.18 The assessment of the calculated/predicted traffic noise levels within the proposed scheme is acceptable. Further clarification was requested the following matters:

- 7.19 • Details of acoustic ventilation that could be used with mechanical ventilation.

(Officer Comment: The applicant has advised that the acoustic performance of any ventilators will relate directly to the building design and the location of the plant. Each building will need to achieve an acoustic performance suitable for its use, its location and the impact internally and externally on its neighbours and its occupants/tenants. The performance of the ventilators will be specified to suit both their position and the eventual NR specification once the building design has developed. Council's noise officer has confirmed that the applicant's response is acceptable).

- 7.20 • An assessment of the impact of the mixed noise sources on the open space.

(Officer Comment: The applicant has advised that the scheme offers a range of open spaces from highly active to tranquil. Appropriate conditions can deal with any residual concerns and the Council's noise officer has confirmed that this is acceptable.

- 7.21 • The impact of building services noise.

(Officer Comment: The applicant has advised that the acoustic performance of any building services will relate directly to the building design and the location of the plant. Each building will need to achieve an acoustic performance suitable for its use, its location and the impact internally and externally on its neighbours and its occupants/tenants. The acoustic performance of the plant will be specified to suit both their position and the eventual NR specification once the building design has developed. Council's noise officer has confirmed that the applicant's response is acceptable).

Sunlight/Daylight

- 7.22 The applicant's sunlight/daylight report was reviewed by an external consultant, Bureau Veritas, on behalf of the Council. In summary, the findings of the report indicate that, as expected with a development of this size and massing, there will be some negative impact on the surrounding buildings and areas. However, they have advised that the scheme on balance is considered to be acceptable. The sunlight/daylight assessment is considered in detail later in this report.

Microclimate

- 7.23 The Council's wind officer was concerned where the wind assessment did not provide final design details, including landscaping. In response, the applicant confirmed that wind tunnel

tests were undertaken with no landscaping. Given that the proposals will include landscaping, it is likely to improve the impact on the microclimate, which will be addressed at the detailed design stage. The Council's wind officer has confirmed that this matter can be dealt with by condition in consideration of the outline proposal).

LBTH Landscaping and Recreation

- 7.24 The officer was concerned that there appears to be a lack of on-site space for 'organised' or team sporting activity for older children/youths.

(Officer Comment: The proposals provide adequate on-site child play space in accordance with Council policy, particularly for younger children. The final design of these areas will be subject to condition to be addressed at the reserved matters stage. With respect to older children, the applicant is making a significant financial contribution towards off-site open space and indoor sports and recreation facilities. Whilst it is acknowledged that on-site provision is preferred, the site constraints limit the capability to achieve this. It must be noted that the proposed open space and play space strategy is an improvement upon the strategy identified within the WWSPG. This matter is discussed in detail in the report).

- 7.25
- Concerns were raised over the management of the public open space and how it could conflict with 'free' play and recreation for children

(Officer Comment: Where Landscaping is a reserved matter, public access and management and maintenance of the Community Park and public realm areas will be secured by condition or planning obligation).

- 7.26
- The scheme could benefit from additional trees.

(Officer Comment: Landscaping is a reserved matter and will be addressed by condition).

LBTH Highways

- 7.27 The Transport Assessment was reviewed by an external consultant, White Young Green (WYG), on behalf of the Council. In summary, based on the information available and subject to the imposition of conditions and mitigation secured through planning obligations, WYG consider the development to be acceptable in transport terms. This matter has been discussed in detail under the highways section of this report.

LBTH Waste Management

- 7.28 The Waste department has advised that the Resource and Waste Management Strategy appears to be very comprehensive and forward looking in its approach and is acceptable subject to planning condition.

British Broadcasting Corporation (BBC)

- 7.29 No response.

British Waterways (Statutory Consultee)

- 7.30 British Waterways (BW) has no objection to the scheme. BW are of the opinion that the proposals will set a new standard for waterfront design and development in the heart of the dock complex and will be recognised both nationally and internationally as an exemplar for the rest of the Thames Gateway. They also expect Wood Wharf to be at the forefront of world class, waterfront development as the Docks evolve in accordance with a revised Waterspace Strategy for the Isle of Dogs.

BT Cellnet

- 7.31 No response.

Commission for Architecture & Built Environment (CABE)

- 7.32 CABE are generally supportive of the proposals, however they have raised some concerns, which are summarised as follows:

- 7.33
- The treatment of the operational lock area on the north side of South Dock and the edge condition adjacent to buildings W08 and W09 needs to be resolved.

(Officer Comment: BW has confirmed that it is not possible to permit public access to the Southern Dock area for safety reasons and where all the land is required for operation of ships into and out of the docks. Notwithstanding, improvements to the visual relationship of this area of the site will be safeguarded by condition).

- 7.34
- The spatial potential of the commercial heart has yet to be achieved.

(Officer Comment: This matter is addressed in detail later in this report. Notwithstanding, where Landscaping and Appearance are reserved, this matter can be addressed in detail at the reserved matters stage, in consultation with CABE).

- 7.35
- More work needs to be done to ensure that living conditions in the eastern end of the development will be of a sufficiently high quality).

(Officer Comment: The applicant has provided further information within the Design Guidelines regarding the treatment of this area, which was found to be acceptable by the Council's housing and design departments. Where Landscaping and Appearance are reserved matters. This matter can be addressed in detail at the reserved matters stage, in consultation with CABE).

- 7.36
- Concerned with the quantum of affordable housing and family units within this location and the resulting community.

(Officer Comment: This matter is addressed in detail later in this report).

- 7.37
- There appears to be a lack of detail for community provision planned to support the needs of families.

(Officer Comment: This is addressed in detail later in this report).

- 7.38
- More account should be taken of specific places along the existing dockside and of the accumulated history of the waterfront if this landscape is not to seem an entirely synthetic new creation.

(Officer Comment: A conservation-led approach has been devised in order to preserve as much of the existing fabric as possible, and to retain the industrial character of the dock edge. Marine artefacts will also be retained and reused as much as possible to preserve the detailed character and appearance of the dock edge. English Heritage has advised that they are supportive of the dockside walkways).

Corporation of London

- 7.39 The proposed development will be seen in views from the City of London as an integral part of the cluster of towers at Canary Wharf and therefore it will not raise any new view protection issues. In particular, in London View Management Framework Protected View

11 (River Prospects, Assessment Point 11B.1, London Bridge: the downstream pavement – at the centre of the bridge – looking towards Tower Bridge and the Tower of London) the proposed development would be read as part of the established cluster to the left of Tower Bridge. In addition the proposed development does not directly impact on the existing views of Tower Bridge. Therefore we have no objection to the application.

Cross Rail

7.40 No comment to make.

Cross River Partnership

7.41 No response.

Docklands History Group

7.42 No response.

Docklands Light Rail

7.43 No direct response. Integrated as part of TFL's response.

EDF Energy Networks Ltd

7.44 No response.

English Heritage (Statutory)

7.45 English Heritage (EH) support the approach taken with regard to the restoration and repair of the existing quay walls to the Blackwall Basin and South Dock. Also, the boardwalk type structures proposed on the southern and western edges of the Wood Wharf development are considered acceptable.

7.46 Notwithstanding this, EH are of the opinion that the 'Eco Islands' may significantly detract from the historic character of Blackwall Basin.

(Officer Comment: This matter is addressed in detail later in this report).

English Heritage (Archaeology) (Statutory)

7.47 Acceptable subject to condition.

English Partnerships

7.48 No response.

Environment Agency (Statutory)

7.49 EA Objected to the proposed development for the following reason:

- No evidence has been provided that the flood risk Sequential Test has been adequately demonstrated in accordance with PPS25

(Officer Comment: In response to the submission of further evidence, the EA has since removed their objection regarding this matter. The EA have confirmed that they are satisfied with the information submitted and have no objection to the scheme subject to appropriate planning conditions).

Government Office for London (Statutory)

7.50 No comment to make.

Greater London Authority (Statutory)

7.51 The GLA Stage 1 report notes that the application complies with a number of the London Plan policies, such as:

- Economic development/world city role: the London Plan supports the promotion of the northern part of the Isle of Dogs opportunity area as a competitive, integrated and varied business location. This proposal delivers these aspirations and therefore complies with the London Plan.
- Mix of uses: the London Plan promotes mixed use development where increases in office floorspace are proposed. As this proposal comprises a mix of use it complies with the London Plan.
- Retail: the provision of retail floorspace within this development in a town centre complies with the London Plan.
- Biodiversity: the habitats that are lost through development have been mitigated by the provision of additional informally-managed space.

7.52 However, the Stage 1 report also identified deficiencies that needed to be resolved before the scheme could be considered compliant with the London Plan. The report goes on to state that the following changes might remedy the deficiencies, which could lead to the application becoming compliant with the London Plan:

- 7.53
- Hotel use: the provision of a hotel in this opportunity area is in compliance with the London Plan. However, the percentage of bedrooms which are wheelchair accessible needs to be confirmed before it can be stated that the proposal is in compliance with the London Plan.

(Officer Comment: The scheme will be conditioned to ensure 10% of new hotel units will be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users).

- 7.54
- Design: the design approach is well conceived and is broadly in line with London Plan policy. However, a number of detailed issues need to be addressed. Reconsideration of the alignment of block W13 and the form of W09; development of more detailed design guidelines giving commitments on accessibility and environmental performance in particular; provision of detailed indicative block layouts.

(Officer Comment: The applicant has submitted further evidence to address these issues, which were considered by the Council to be acceptable and will be conditioned appropriately).

- 7.55
- Access: the proposal does not provide 100% of residential units that meet 'Lifetime Homes' standards or 10% of all units, across all tenures, as wheelchair accessible housing. The design guidelines do not make it clear how level changes will be dealt with across the site. 100% of units should meet 'Lifetime homes Standards' and 10% of all housing should wheelchair accessible housing or easily adaptable to be wheelchair accessible. Design guidelines should incorporate standards for inclusive design and should set out how changes in level will be dealt with across the site.

(Officer Comment: The applicant has confirmed that 100% of residential units will meet 'Lifetime Homes' standards and 10% all units, across all tenures, will be designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. In addition, the applicant has submitted further evidence to address standards of inclusive design within the Design Guideline, which are considered acceptable and will be conditioned appropriately).

- 7.56
- Children's playspace: whilst the formal play space provision does not meet the benchmark figure of 10 sq.m. per child, the overall quantum of space capable for use for play and the quality of spaces provided means that the amount of play space is adequate. However, the proposal does not comply with the London Plan as there is no formal provision of facilities for young people. Formal provision of play facilities for young people, either in one of the open spaces or in the ground floor of one of the buildings. Seating should also be provided in the central park.

(Officer Comment: A financial contribution towards off-site public open space and indoor sports and recreation facilities has been secured which is considered appropriate in addressing the needs of youth, given the constraints of the site. This matter has been addressed in detail later in this report. With regards to the seating arrangement, this is a reserved matter and should be addressed at the detailed design stage).

- 7.57
- Blue Ribbon Network: in general, the proposal provides opportunities for increased access to the waterside. The provision of the new canal link offsets the area of water lost where structures have been built out into the river. However, on balance, the proposal does not comply with the London Plan as there is little provision for active use of the docks area for waterbourne recreation. The development should include provision for active use of the docks area for waterbourne recreation, such as boat or canoe hire, water taxis and visitor moorings

(Officer Comment: The Wood Wharf scheme allows for significantly increased activity levels around the water space. Also, the scheme provides indicative opportunities for boating and entertainment activities on the water, which are considered appropriate opportunities in addressing the London Plan policies).

- 7.58
- Affordable housing: Concerns have been raised over the viability assessment, where the GLA are of the opinion that the scheme may be able to provide a greater proportion of affordable housing above the 35% proposed.

(Officer Comment: The applicant has submitted further information to the GLA to justify their position of 35% affordable housing. Where the scheme is proposing 35% affordable housing in accordance with the Council's policy, the scheme is considered acceptable. The GLA has advised that an update on the discussions with the applicant will be given prior to Stage 2 referral if the members mind to approve the scheme.).

- 7.59
- Housing: the proposed indicative mix complies with the London Plan however the level of social rented family housing should be addressed by conditions or s106 agreement.

(Officer Comment: The level of social rented family housing will be addressed by conditioned or s106 obligation).

- 7.60
- Climate change mitigation: in general, the approach is in line with the London Plan. Further work is needed on design guidelines and the dock water cooling system, as well as further justification of the approach to the energy strategy for the office element of the development.

(Officer Comment: Further information has been submitted within the Design Guideline addressing sustainable materials which was found to be acceptable and has been

conditioned accordingly. Regarding the dock water cooling system and the energy strategy for the office buildings, these has also been condition appropriately)

- 7.61
- Climate change adaptation: the overall approach to climate change adaptation is welcomed but further work and conditions are needed before the application can be said to comply with London Plan policy. more detailed design guidelines are needed; Code for Sustainable Homes level 3 for water should be secured by condition; and further work should be undertaken on the flood strategy

(Officer Comment: This has been conditioned accordingly)

- 7.62
- Social infrastructure and community facilities: in general the provision of these uses is welcomed. Mechanisms to ensure their delivery need to be included in the legal agreement. Mechanisms should be included in the s106 agreement to restrict the occupation of a set proportion of the residential units until the community facilities, including the community park, have been constructed. Consideration should be given to provision of a childcare contribution.

(Officer Comment: Community facilities are to be provided on site and will be addressed by s106 agreement. The provision of the Community Park will also be addressed by conditions or s106 agreement, including the provision of temporary facilities during the phased development. Regarding childcare contribution, a significant financial contribution toward social and community service projects, has been agreed which could be allocated towards services and activities for younger people. This will be addressed by s106 agreement. The scheme also provides a replacement child care facility for the loss of the existing facility on the site).

- 7.63
- Transport: the development will have a significant impact on the transport network and the effects of this and possible mitigation need further investigation. On balance, the application does not comply with the London Plan. However, further work is needed on the transport assessment; levels of car parking should be reduced; mitigation for the impact on the road network should be investigated and part-funded; a contribution to increased bus stands is requested; a contribution to enhancing capacity on DLR is requested; a contribution to Crossrail is needed; further work is needed on improving conditions for pedestrians; the possibility of using the waterways for delivery of freight and refuse collections should be investigated.

(Officer Comment: The applicant has submitted further information on these matters which are addressed in detail later in this report. IWYG has advised that the transport assessment is acceptable subject to conditions and appropriate mitigation measures. It is understood the TFL now agree with this position).

Inland Waterways Association

- 7.64
- No objection. However, details of the individual bridges across the new canal, especially with regard to headroom beneath them for boats, are required.

(Officer Comment: This matter will be addressed at the reserved matters stage).

Isle of Dogs Community Foundation

- 7.65
- No response.

Lea side Regeneration

- 7.66
- No response.

London Borough of Greenwich

7.67 No objections.

London Borough of Lewisham

7.68 No objections.

London Borough of Newham

7.69 No observations to make.

London Borough of Southwark

7.70 No comment.

London City Airport

7.71 No safeguarding objection subject to conditions.

London Development Agency (Statutory)

7.72 LDA comments are addressed within the body of the Deputy Mayors Stage 1 response as raised above.

London Fire & Emergency Planning Authority (Statutory)

7.73 No objection. Water supplies and vehicular access for the emergency services are to comply with Approved Document B sections 15 and 16.

(Officer Comment: This matter will be addressed by condition).

London Regional Transport

7.74 No response.

London Thames Gateway Development Corporation

7.75 The following considerations need to be taken into account:

1. Impact of the development as to traffic generation and the capacity of the public transport network, especially the Jubilee Line, bearing in mind what else is under construction or permitted in the Canary Wharf area
2. Securing good connectivity for pedestrians and cyclists through the site and beyond
3. Effects of the development on sunlight and daylight both for existing and proposed residential developments
4. Impact on the ecology of the water areas
5. Provision of, and/or funding towards, social and community facilities.

(Officer Comment: All of these matters have been considered and are addressed in detail in the body of this report, and were found to be acceptable. However, regarding point 1, the TA notes that the proposed scheme was assessed against future baselines that include traffic and travel movements associated with known committed and planned developments in the Isle of Dogs and Leamouth areas. A cumulative assessment for Wood Wharf also includes traffic associated with these sites. A total of 36 committed development schemes have been included in the future baseline asset).

London Underground Ltd

- 7.76 No objection subject to conditions.

Maritime Greenwich World Heritage Site/ Greenwich Society

- 7.77 The relationship of tall buildings with the symmetrical layout of the Old Royal Naval College has been of concern since the creation of Canary Wharf in the 1980's. Since this first tower there have been a number of proposals for towers of comparable height. Some of these have been built so that a cluster of tall buildings has emerged.
- 7.78 The view from Wolfe statue in Greenwich Park was recognised in the GLA London View Management Framework and given the status of London Panorama. The view from Wolfe statue is of particular concern. Observations on planning applications to LB Tower Hamlets have consistently expressed the concern that quality of the panorama is being threatened. A small cluster of buildings in the distance may be acceptable but a skyline dominated by tall buildings is not.
- 7.79 Such a skyline is not acceptable as a setting for Maritime Greenwich World Heritage Site. Such proposed domination of the view from Maritime Greenwich challenges the Outstanding Universal Values of the World Heritage Site. The proposals to develop Wood Wharf are therefore unacceptable and this note should be taken as an objection to the scheme.

(Officer Comment: This matter is addressed in detail later in this report and found to be acceptable).

Metropolitan Police

- 7.80 Generally the proposals sit well with the idea of Crime Prevention and Secured by Design. The layout, and particularly the access through the development to/from Canary Wharf and Preston's Road is open, allowing good observations by users of the proposed development, as well as passers by.
- 7.81 Security is the key issue, including good lighting, CCTV and a managed environment at least to the same standards as Canary Wharf. This will be an important issue for the whole of this development. A decent level of managed security for residents, visitors and workers is required to ensure they will both be and feel safe on this site.

(Officer Comment: This matter is addressed appropriately by condition of s106 agreement).

National Air Traffic Control Services

- 7.82 No safeguarding objection subject to condition.

National Grid (formerly TRANSCO Ltd)

- 7.83 With respect to National Grid's operational electricity transmission network and operational national gas transmission network, the scheme will result in negligible risk.

Natural England (Statutory)

- 7.84 Overall Natural England is satisfied that any ecological issues associated with the site are being handled effectively and overall they are supportive of the proposals that are being put forward to enhance the natural environment and increase people's access to and interaction with it. All of the proposed enhancements should be implemented, maintained and managed into the future, through the use of planning conditions and obligations as

appropriate.

(Officer Comment: Suitable conditions and s106 obligations will be secured).

Port of London Authority

- 7.85 Due to the location of the development and the proposed heights of the buildings, the PLA consider that it is necessary for the applicant to investigate whether there would be any potential 'in combination effects' on the PLA navigational aids from the Wood Wharf development with the proposed development on Greenwich Peninsular. The PLA are objecting to the development until this work is carried out.

(Officer Comment: The applicant is currently in discussion with the PLA and it is understood that this matter can be resolved by a suitable condition).

- 7.86 The scheme should be conditioned to secure the proposed use of the water for the transport of materials. It is also suggested that a condition be imposed requiring the submission and approval of details relating to loading/unloading locations, means of securing barges to moorings, methods of transfer of materials and emergency measures for spillage.

(Officer Comment: The development will be conditioned appropriately).

- 7.87 The planning statement makes reference to 'potential river taxis', however no further details are provided. If they are proposed, further details are required.

(Officer Comment: The applicant has advised that river taxis are not proposed).

Statutory Amenity Societies (Statutory)

- 7.88 Response awaited, provision made in the recommendation.

Thames Water (Statutory)

Surface Water Drainage

- 7.89 In respect of surface water the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water.

(Officer Comment: The scheme will be conditioned appropriately).

Water Infrastructure

- 7.90 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Notwithstanding, impact studies have identified the reinforcements which would be required to support this development. Thames Water therefore recommends that the scheme be conditioned to ensure the development does not commence until these reinforcements are agreed by the developer with Thames Water. Provided that this is agreed to and implemented, there is no objection.

(Officer Comment: The scheme will be conditioned appropriately).

Waste water

7.91 Peak discharge to combined sewer system should not exceed historic peak discharge from the site; this should be achieved by SUDS / surface water retention.

(Officer Comment: The scheme will be conditioned appropriately).

Sewerage Infrastructure

7.92 With respect to sewerage infrastructure, Thames Water has no objection to the proposed scheme.

The London Wildlife Trust

7.93 No Comment.

Tower Hamlets Primary Care Trust

7.94 In accordance with the HUDU model, the PCT indicated that the development would generate a required contribution of £9,364,979 towards primary care needs of residents as follows:

Revenue Planning Contribution	Capital Planning Contribution	Total
£7,215,409	£2,149,571	£9,364,979

7.95 It has previously been reported to the committee that recent appeal decisions determined that current requests for financial revenue contributions within the Borough were unreasonable in accordance with Circular 05/05. Conversely, requests for capital contributions were found to be reasonable.

7.96 The applicant is proposing to provide a 2000sqm (shell and core) PCT health facility on-site in-line with PCT and policy direction. Further, the applicant is proposing to provide a temporary PCT health facility (shell and core and fit-out) at the request of the PCT, prior to the implementation of the Health Centre to mitigate any impact from the development upon existing facilities.

7.97 The PCT envisage that this Health Centre would be categorised as a network hub. Its prime location within the Wood Wharf development, and dense local and commuter population make it an ideal site for an urgent care centre, pharmacy and GP Practice and Dental Practice to support the new housing developments planned for the site. The PCT has indicated that the following services should be provided from Wood Wharf site:

Services	Anticipated Delivery	Comments – approximate estates of space requirements
GP Practice	GP Consultation and treatment rooms	Estimate based upon 1 consulting room per 1,000 patients and Minor surgery suite and Nurse consulting room space 650sqm
Wider Services TBC	Consult /Interview Rooms	220sqm
Pharmacy	Automated service	120m ²
Dentist	General Dental Practitioner	100sqm
Urgent Care Centre	GP/ Nurse Consultation Room space	Based on 200 patients per day 7 consulting rooms plus 250sqm
Staff services, waiting, circulation space, storage space, utility rooms, IT hub rooms etc.		400sqm
Shared office space		160sqm
Training and Group Room space		100sqm
Total		2,000sqm

- 7.98 The applicant contends that the proposed non-cash contribution far exceeds the value of the capital planning contribution. Whilst discussions are on-going with the PCT as part of the s106 agreement process, it is understood that the PCT have accepted the non-cash obligation proposed as the total health obligation for this scheme.

Transport for London (Statutory)

- 7.99 TFL comments are addressed within the body of the Deputy Mayors Stage 1 response as raised above. TFL's comments are addressed in detail within the Highways section of this report.

8. LOCAL REPRESENTATION

- 8.1 A total of 13,965 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment (this included 13,905 within Tower Hamlets and 60 within Greenwich). The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 18 Objecting: 18 Supporting: 0
 No of petitions received: 0

- 8.2 The following local groups/societies made representations:

- Coldharbour Residents Association

- 8.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

8.4 Land Use

- The proposed density is high (Officer Comment: Addressed in detail later in this report, and was found to be acceptable);
- Public crèche facilities are required (Officer Comment: Addressed in detail later in this report, and was found to be acceptable);

- The varying retail needs of the local community are required, not just expensive chain stores currently located in Canary Wharf (Officer Comment: Addressed in detail later in this report, and was found to be acceptable);
- Opposed to the long jetty on the western side of the Graving Dock and the mooring of boats in this area for its impact upon the amenity and safety of surrounding residents (Officer Comment: Addressed in detail later in this report, notwithstanding, the provision of mooring facilities within the scope of this outline application were indicative only. Where moorings are proposed, separate planning applications to be assessed against the relevant policies will be required. An informative will be placed on any planning permission as such); and
- Change in design from the Wood Wharf SPG (Officer Comment: Addressed in detail later in this report, and was found to be acceptable).

8.5 Design

- The height, bulk and scale of the development will have a negative impact upon the context of the surrounding area, particularly the Coldharbour Conservation Area (Officer Comment: Addressed in detail later in this report, and was found to be acceptable);
- The historic cranes will be obscured from view when travelling south along Preston's Road (Officer Comment: Addressed in detail later in this report, and was found to be acceptable);
- The tall, dense buildings are inappropriate for affordable housing, particularly family housing (Officer Comment: This is not an accurate statement particularly where London Plan policies seek to maximise development potential and affordable housing provision on urban sites across London. In such circumstances, it is important to implement good design principles as is proposed. The Design Guidelines state that all family units will be dual aspect or south facing, large family units will be located at lower levels and principle open space will be focused to family dwellings. The approach is considered acceptable to the Council's housing department);
- Inadequate open space for the family housing (Officer Comment: Addressed in detail later in this report, and was found to be acceptable);
- Concern over the safety and security of the development, particularly east-west link through the site during night-time hours and the Community Park (Officer Comment: This matter will be appropriately addressed through the implementation of a security management plan, including secure by design principles, as well as an estate management plan, which will be secured by condition);
- Do not want to see all glass buildings (Officer Comment: Appearance is a reserved matter and will be addressed at the detail design stage. Notwithstanding, the Design Guideline states that a mixture of steel, glass and stone are the desired primary materials for all facades);
- Repositioning of the canal (Officer Comment: Addressed in detail later in this report, and was found to be acceptable);
- Disruption to TV reception (Officer Comment: TV reception surveys and any mitigation measures will be secured by s106 agreement);
- Concern over the sustainability of the development (Officer Comment: Addressed in detail later in this report, notwithstanding, the scheme has been designed in accordance with the principles of creating a sustainable community and was found to be acceptable);
- The construction of eco-islands and residential buildings within the dock will result in the loss of water space and impact upon navigation of boats (Officer Comment: Addressed in detail later in this report, and was found to be acceptable);
- Safety concerns where children can access water, particularly along the eco-islands (Officer Comment: Addressed in detail later in this report, however the scheme has been designed with regards to pedestrian safety. Furthermore a Waterspace Safety, Maintenance and Management Plan should be secured by condition or s106

- agreement to ensure safety matters are implemented, managed and monitored);
- Impact upon the historic dock edge from construction (Officer Comment: Addressed in detail later in this report, however, a condition has been imposed to ensure construction activities will not have a detrimental impact upon the dock wall);
 - The development should be revised to allow for an increase in height of WO5 to at least the equivalent height of the adjacent buildings (Officer Comment: There appears to be no reasonable justification to this objection in planning terms. The objector seeks a revision to increase the height of WO5 based on the WWSPG/IPG rationale for decreasing heights from Canary Wharf to the scale of local buildings to the east. It is claimed that a staggered pattern of building heights as proposed is unacceptable where WO5 is lower in height than WO4 to the east. It must be noted however, the height of WO5 cannot be viewed in isolation. Where WO5 forms part of a comprehensive strategy, where neither CABE, GLA or Council's design officer has objected to the scheme on these grounds, where the ES assessment was found to be acceptable, and where the western aspect of Canary Wharf adopts a staggered building pattern, it is considered that there is no reasonable justification for imposing an increase of height to WO5 within the context of this application);
 - Building W07D should be removed, and the residential accommodation displaced provided elsewhere, as the building is too close to WO5, spoils the aspect from WO5, and detracts from the setting and panoramic view of WO4, WO5 and WO6 as a group (Officer Comment: Specific separation distances are only controlled where the both of the opposing windows are habitable (DEV2 of the UDP). In considering the submitted environmental information, the relationship between these two buildings does not result in any detrimental impacts that cannot be mitigated. Furthermore, the Design Guideline provides appropriate design strategies to minimize overlooking and maximize privacy at the detail design stage. With respect to the matters of aspect and views, neither CABE, GLA or Council's design officer raised concern over the design of the scheme on these grounds. It is difficult to understand how the southern aspect of WO5 could be compromised where there is no existing situation, nor is it a protected view. The design of WO5 was created as part of a comprehensive strategy, which included the proposed siting of W07D. As such, there appears to be no reasonable justification to refuse the scheme on these grounds); and
 - Additional linkages are needed from WO5 to the High Street level to facilitate permeability (Officer Comment: Access matters were considered as part of this application and were found to be acceptable. Further, details of design regarding individual building access will be addressed at the reserved matters stage. Notwithstanding, where this objection raised is primarily focused around land ownership dispute, it must be noted that the outline application is for the comprehensive development of the site. To ensure this is achieved, the development of Phases 2, 3 and 4 shall not commence upon until non-secured land has been tied into the s106 agreement).

8.6 Amenity

- Loss of daylight and sunlight (Officer Comment: Addressed in detail later in this report, and was found on balance to be acceptable);
- Overshadowing (Officer Comment: Addressed in detail later in this report, and was found to be acceptable);
- Light pollution (Officer Comment: Addressed in detail later in this report, and was found to be acceptable subject to condition);
- Loss of privacy/overlooking (Officer Comment: Addressed in detail later in this report, and was found to be acceptable);
- Increased noise and dust pollution from construction work and traffic (Officer Comment: Any potential impacts will be mitigation by an Environmental Construction Management Plan, to be conditioned);
- The construction of eco-islands and residential buildings within the dock will have a

detrimental visual and physical impact upon the character and nature of the historic dock system and Blackwall Basin (Officer Comment: Addressed in detail later in this report, and was found on balance to be acceptable);

- Sense of enclosure/ loss of outlook/ views (Officer Comment: Addressed in detail later in this report, and was found to be acceptable);
- Potential for water pollution resulting from increase activity on the water (Officer Comment: Addressed in detail later in this report, though it must be noted that a Waterspace Safety, Maintenance and Management Plan will be secured by condition or s106 agreement).

8.7 Highways

- The travel model is flawed (Officer Comment: Addressed in detail later in this report, however WYG determined that the Transport Assessment (TA) was acceptable subject to conditions and mitigation measures);
- The proposal does not encourage the use of sustainable vehicles, ie electric cars (Officer Comment: The scheme has been conditions to include electric charging points to encourage the use of electric vehicles);
- Lack of parking for day commuters to Wood Wharf, as is currently done at Canary Wharf (Officer Comment: Addressed in detail later in this report, notwithstanding, the level of car parking was considered to be acceptable subject to appropriate mitigation measures);
- No incentive for car free agreement (Officer Comment: A car free agreement to restrict occupants applying for residential parking permits will be secured by s106 agreements);
- Congestion will be created by increased parking numbers, particularly along Preston's Road (Officer Comment: Addressed in detail later in this report, however WYG determined that the TA was acceptable subject to conditions and mitigation measures);
- Recycling services are required (Officer Comment: The applicant's Waste Strategy advised that a recyclable target between 10% and 30% of household waste is proposed. A Resource and Waste Management Plan will be secured by condition or s106 agreement, which will address the detailed recycling facilities. Councils waste officer advise that the approach taken within the submitted waste strategy was acceptable);
- Insufficient car parking provision (Officer Comment: Addressed in detail later in this report, notwithstanding, there are policy caps on the amount of parking permitted for a scheme. The level of car parking was considered to be acceptable subject to appropriate mitigation measures);
- Concern over the impact on public transport (Officer Comment: Addressed in detail later in this report, however WYG determined that the Transport Assessment (TA) was acceptable subject to conditions and mitigation measures, which includes substantial financial contributions towards public transport infrastructure);
- No direct route to the proposed Crossrail Station (Officer Comment: The access route to the Crossrail Station will be over establish high quality public access within the Canary Wharf Estate);
- Access to existing public transport infrastructure needs to be improved, including buses and DLR (Officer Comment: Addressed in detail later in this report, though it must be noted that the scheme is proposing substantial financial contributions towards mitigating impacts upon public transport infrastructure, including access); and
- Allocation and management of parking spaces should be made in an equitable manner (Officer Comment: Comprehensive car parking will be provided and managed under an Car Parking Management Plan, which shall be submitted to and approved by the Council); and
- Public permeability by all forms of transportation should not be restricted by the change in access provisions to the Wood Wharf Estate via the privately owned Cartier Circle (Officer Comment: The WWSPG was proposing vehicular access from Cartier Circle.

Notwithstanding, access details from Cartier Circle and public access will be addressed conditions and/or s106 agreement).

8.8 Other

- Concern over potential overload of rainwater and sewerage systems (Officer Comment: Appropriate conditions have been secured to ensure any potential impacts are mitigated);
- Alternative transport routes are required for transportation of building materials to mitigate the impact upon the existing road network, such as the use of water transport (Officer Comment: Appropriate conditions have been secured that seek to secure the use of water transport during construction);
- Oppose the demolition of Dwellings along Lovegrove Walk (Officer Comment: Addressed in detail later in this report, however in accordance with policy, the development will not result in any net loss of residential dwellings. Furthermore, where a Certificate of Ownership (Certificate C) was submitted with the application, land ownership disputes are not considered to be material to the application); and
- The single construction phasing lacks sensitivity to different rates of development (Officer Comment: The outline application is for the comprehensive development of the site. To ensure this is achieved, the development of Phases 2, 3 and 4 shall not commence upon until non-secured land has been tied into the s106 agreement).

8.9 The following issues were raised in representations, but they are not material to the determination of the application:

- Legal use rights to moor boats within the Graving Dock; and
- The siting of WO5 should be adjusted to fully take account of Hammerson ownership boundary (Officer Comment: The outline application is for the comprehensive development of the site. To ensure this is achieved, the development of Phases 2, 3 and 4 shall not commence upon until non-secured land has been tied into the s106 agreement. Notwithstanding this, where a Certificate of Ownership (Certificate C) was submitted with the application, land ownership disputes are not considered to be material to the application).

9. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use

- Mix of uses
- Economic development/world city role
- Hotel
- Retail and related town centre uses.
- Community uses
- Residential
 - Housing mix
 - Affordable housing
 - Social rented/intermediate mix
- Quantum of development
- Open space and leisure
 - Public open space
 - Indoor sport and recreation facilities
 - Child play space assessment
- Residential Amenity Space

2. Design and Access

- Layout
 - Grid
 - Canal
 - Open space
 - Wood Wharf Square/High Street
- Accessibility and inclusive design
- Tall buildings
- Archaeology and built heritage
 - Conservation areas
 - Listed buildings
 - Cranes
 - Maritime Greenwich World Heritage Site
 - Archaeology
- Blue Ribbon Network

3. Amenity

- Sunlight and daylight
 - Sunlight assessment
 - Daylight assessment
 - Shadow analysis
 - Solar glare
 - Light pollution
- Privacy and overlooking
- Sense of enclosure and loss of outlook/views
- Wind microclimate
- Noise and vibration
 - Demolition and construction noise
 - Demolition and construction vibration
 - Road traffic noise
 - Mechanical plant noise emissions
- Air quality
- Television and radio reception

4. Transport, highways and access

- Parking
 - Car parking
 - Cycle parking
 - Motorcycle parking
- Road network
 - Cartier Circle
 - Preston's Road access junction
 - Aspen Way/Upper Bank Street junction
 - Aspen Way/Preston's Road junctions (Preston's Roundabout)
- Public transport
 - Crossrail
 - Jubilee Line capacity analysis
 - Jubilee Line Station capacity analysis
 - DLR capacity analysis
 - Bus service capacity analysis
- Access
 - Vehicle access
 - Pedestrian access

- Cycle access
- Construction traffic
- Travel plan
- Servicing and deliveries
 - Deliveries and servicing vehicles
 - Refuse

5. Other

- Ecology and nature conservation
- Energy and renewable technology
 - Power, heating and cooling infrastructure
 - Renewable energy
 - Sustainable design and construction
- Climate change adaptation
 - Overheating
 - Living roofs and walls
 - Flooding
 - Sustainable drainage
 - Water use
- Aircraft
- Construction and phasing

6. Listed building consent application

1. Land Use

- 9.2 This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as the adopted Supplementary Planning Guidance (2003) for Wood Wharf (WWSPG).
- 9.3 As mentioned earlier, the principle of re-developing the Wood Wharf site for a high density mixed-use purposes, including a new community park, canal and means of access, has already been established through the adopted WWSPG. The development not only seeks to create a sustainable community that creates benefits for local community, but will also provide regeneration benefits that will reinforce the UK economic position globally.
- 9.4 The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 2A.5). Policies ST15, ST17 and CAZ1 of the UDP and policy CP8 of the IPG seek to create promote the strategic and international role of the northern part of the Isle of Dogs as a global financial and business centre within a high quality environment.
- 9.5 In addition to this, it is essential that development is carried out sustainable manner, securing social, environmental and economic objectives (Policy 2A.1). PPS1 seeks to promote urban regeneration subject to the principles of sustainable development.
- 9.6 The IPG seeks to promote sustainable communities by creating places where people want to live, work and visit. The principles of sustainable development of PPS1 are adopted within policy CP1 which requires all development to contribute to creating and maintaining sustainable communities by:
- Facilitating growth;
 - Providing highest quality design; and

- Implementing environmentally sustainable measures
- 9.7 Policy IOD1 of the Isle of Dogs Area Action Plan (IODAAP) seeks to reinforce the northern part of the Isle of Dogs as a location of London-wide strategic importance. Notwithstanding this, new development must contribute to the creation of sustainable communities to reflect better integrated, compact, mixed-use communities on the Isle of Dogs.
- 9.8 The WWSPG seeks to ensure that the development of Wood Wharf will be a sustainable process promoting excellence in design, both architecturally and environmentally. The Vision set out within the WWSPG includes:
- Creating a Place to work;
 - Creating a Place to live;
 - Creating a place to enjoy; and
 - Creating a place to value
- 9.9 The Wood Wharf proposals seek to create a new community in the heart of a growing commercial district, whilst providing opportunities to integrate with the existing community. PPS3 advises that housing should be developed in locations with a range of community facilities with good access to jobs, key services and infrastructure. Also, PPG4 advises that businesses in locations that minimise trips and are accessible by more energy efficient modes of transport should be promoted.
- 9.10 CABE advised that they:
- "applaud the interest in using spaces and landscape to provide a sense of place for the community. The intention to bring in more of the existing character and community of East London, including community retail outlets is welcomed and will help to avoid a mono culture of transient office workers".*
- 9.11 It is acknowledged from the outset, particularly where concern has been raised by the public, that the proposals greatly exceed the parameters put forward within the WWSPG. However, in accordance with policy 2A.5 and 5C.3 of the London Plan, development within opportunity areas will be expected to maximise residential and non-residential densities, but also they will be expected to give rise to substantial planning obligations. The acceptability of the proposals to regenerate the Wood Wharf site and to bring forward a sustainable community will be analysed in detail through the body of this report.
- 9.12 To assist the reader, the applicant has provided a summary of the substantial regeneration and sustainability 'benefits' that are proposed with this development:
- 9.13 a. Improving the Local Environment
- A new wetland nature area around Blackwall Basin;
 - The creation of an integrated water space;
 - A new community built around a town centre;
 - The creation of a sequence of spaces with varying character, linked streets and walkways;
 - High quality open space for amenity and play for all members of the community;
 - Waterfront access – including floating islands and nature trails; and
 - New high quality public realm and public access and squares.
- b. Public services and facilities
- A NHS health centre;
 - A crèche;

- Idea Store;
 - High Street and Wood Wharf Square; and
 - Range of shops and professional services.
- c. Good transport links, infrastructure and accessibility
- New pedestrian connection to Canary Wharf;
 - Introduction of a new canal from Blackwall Basin through to South Dock;
 - Enhancements to bus and DLR routes and services;
 - Provision of a network of pedestrian and cycle routes connecting with wider area.
- d. Investing in the local economy
- An integrated living and working community;
 - High quality offices to build on the success of Canary Wharf;
 - Approximately 25,000 new jobs, including jobs for local people; and
 - Financial contributions towards the provision of affordable housing, education, employment and training, community facilities, public transport, local highway network, improvements to connectivity and integration, leisure facilities, public open space improvements, social and community projects, health and development monitoring.
- e. Community focussed recreation
- Active waterfronts, including eco-islands;
 - A community park, including child play space areas;
 - New mooring opportunities;
 - Entertainment and events opportunities;
 - An area for that could be used for a new outdoor market; and
 - Environment for informal recreation and dining.
- f. New Homes

The proposals will create up to 1,668 new homes, including a range of sizes and types to meet the needs of the community. Affordable housing will be provided including new family sized homes.

g. High quality buildings

This will be addressed in detail through the reserved matters application and conditioned appropriately.

h. Education and learning

- An ideas store; and
- The introduction of job training and employment initiatives.

i. A safe place

- Active 24 hour mixed use environment to promote natural surveillance;
- CCTV and effective management and policing;
- Safe and secure facilities for access and parking;
- Good lighting; and
- Secure by design principles.

Mix of Uses

- 9.14 Policies 3B.3, 5C.3 and 5G.3 of the London Plan state that within the Central Activities Zone (CAZ) and the north of the Isle of Dogs Opportunity Area, wherever increases in office floorspace are proposed, they should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in the London Plan.
- 9.15 According to DEV3 of the Councils Unitary Development Plan 1998 (UDP), mixed use developments are encouraged subject to the following considerations:
- The character and function of the surrounding area;
 - The scale and nature of the development;
 - The physical constraints of the site; and
 - The other policies & proposals of the plan.
- 9.16 As mentioned above, the Wood Wharf site is already identified within the WWSPG as an appropriate location to secure a major mixed-use sustainable development. Further to this, according to policy IOD17 of the IODAAP the preferred uses for the site are being Employment (B1 and B2), Retail and Leisure (A1, A2, A3, A4 and A5), Residential (C3) and Public Open Space.
- 9.17 Where the proposals are providing office, retail, hotel, housing, public open space and community uses, the mix of uses is considered to comply with both London Plan and Council policies.

Economic development/World City role

- 9.18 Policy 1.1, 3B.1, Policy 5C.1 of the London Plan, seeks to promote the contribution of the Isle of Dogs to London's world city role.
- 9.19 Policy 3B.2 of the London Plan indicates that the Mayor will seek a significant increment to current office stock through changes of use and development of vacant brownfield sites. A variety of type, size and cost of office premises is also sought to meet the demands of all sectors. Paragraph 5.74 of the London Plan states that development in the Isle of Dogs opportunity area should complement the international offer of the Central Activities Zone and support a globally competitive business cluster.
- 9.20 The redevelopment of Wood Wharf will firstly bring back into beneficial use an underused and semi-derelict employment site, in accordance with policy EE2 of the IPG. Secondly, in accordance with the WWSPG and the abovementioned policies, it will complement the existing commercial floorspace within Central London and Canary Wharf and would further enhance and strengthen London's global role as a global financial centre and European Leader.
- 9.21 The proposed commercial buildings provide up to 460,484sqm (GEA) of floorspace within 6 buildings. They have been positioned so that they are grouped together in a business core area around the High Street/Wood Wharf Square, and in accordance with the WWSPG, are predominantly located at the western side of the Wood Wharf site.
- 9.22 According to the GLA Stage 1 report,

"Policy 5G.2 of the London Plan recognises that the Central Activities Zone (CAZ) and the northern part of the Isle Of Dogs Opportunity Area are the heart of London's world city offer and seeks to promote and coordinate their development so that together they provide a competitive, integrated and varied business location. Therefore, the principle of an office development in this location complies with the London Plan".

- 9.23 The IPG recognises that the Borough makes a large contribution to London's status as a global financial and business centre. Interim policy CP8 seeks to promote the north of the Isle of Dogs as a leading global financial and business centre contributing to the provision of employment opportunities for London and the surrounding regions. However, IPG and the London Plan both recognise the importance of not only supporting the Isle of Dogs London's world city role, but also job opportunities for local people must be safeguarded (policy 3B.11 of the London Plan and CP7 of the IPG).
- 9.24 The development would provide significant employment opportunities for the local and wider populations, during both the construction and operational phases. The applicant's Environmental Statement (ES) in support of this scheme forecasts the number of jobs that the development would generate. It considers that the construction phase is expected to generate approximately 1,700 jobs and the post-construction, operational phase is expected to generate approximately 25,000 jobs.
- 9.25 The jobs created from the commercial area are expected to range from highly skilled jobs to entry level jobs such as secretarial, clerical, administrative and ancillary roles, including cleaning, security and maintenance. Jobs within the retail and hotel areas create further employment opportunities for local people and also include many opportunities that are suitable for people without high level qualifications.
- 9.26 Notwithstanding, there is currently major contrast between the globally successful economic hub at Canary Wharf and the local area in the rest of the Isle of Dogs, much of which suffer from severe deprivation. Despite the borough having accommodated rapid growth in jobs, the resident population of the Borough has extremely low employment rates, with high levels of economic inactivity and unemployment. While the area has a high proportion of people with degree-level qualifications, it also has a large number with no qualifications at all. The challenge therefore is also to ensure maximum impact from the redevelopment of Wood Wharf, in terms of reconnecting the local area, and offering opportunities to address employment and housing deprivation.
- 9.27 According to the applicant regeneration strategy, although offices in this location are likely to attract a significant proportion of employees from all over London and beyond, the scale of the development means that in absolute terms, local employment can be expected to be very substantial.
- 9.28 The applicant states that currently around 1 in 13 people who work at Canary Wharf (7.5%) live in Tower Hamlets. Of these over half (61%) live in one of the four wards in or adjacent to the Isle of Dogs. Assuming that a similar ratio applies at Wood Wharf then the completed development could provide approximately 2,000 jobs for Tower Hamlets residents and around 1,200 for residents of the immediate area. This will include opportunities at the full range of levels from highly skilled posts attracting employees from a global talent pool, to a wide range of entry level employment.
- 9.29 In addition to this, the applicant is providing a substantial contribution towards the employment and training initiatives for local residents including:
- £5,000,000 towards local employment and training including Skillsmatch.
 - £3,000,000 towards East London Business Place programme, which links local businesses to contracts offered through major developments.
- 9.30 Also, in response to Council's initiative, the applicant is proposing an in-kind on-site Construction Training and Recruitment centre (with a corresponding value of **£2,275,000**). The centre will include highly skilled posts as well as a wide range of entry level training and employment opportunities, which will be secured by s106 agreement.
- 9.31 Whilst the proposals at Wood Wharf will strengthen London's role as a world city and

financial centre, the regeneration benefits resulting from the proposals is expected to provide significant employment and training opportunities for the local community.

Hotel

- 9.32 A 340 room hotel is proposed on the western portion of the site. Policy 3D.7 of the London Plan relates to the provision of visitor accommodation and facilities. It sets a strategic target of 40,000 net additional hotel bedrooms by 2026; seeks to focus strategically important provision in town centres and Opportunity Areas with good public transport access to central London; and supports the provision of a range of tourist accommodation, including apart-hotels, and an increase in the quality and quantity of fully wheelchair accessible accommodation.
- 9.33 PPS6 promotes the vitality and viability of town centres and seeks to ensure that communities have access to a range of main town centre uses. The WWSPG identifies the site as acceptable for accommodating a hotel.
- 9.34 According to policy ART7 and CAZ1 of the Unitary Development Plan (UDP), the Council will normally give favourable consideration to major hotel developments within the CAZ, which the proposed hotel will partially straddle. In addition to this, policy CP13 of the IPG states that large scale hotel developments and serviced apartments will be supported in areas of high public transport accessibility and close proximity to commercial development, such as the Canary Wharf major retail centre, business and conference facilities and public transport.
- 9.35 Policy IOD15 of the Isle of Dogs Area Action Plan (IODAAP) states tourism uses, in particular the development of business tourism, will be promoted in and around Canary Wharf and the northern sub-area to take full advantage of opportunities arising out of the 2012 Olympic and Paralympics games.
- 9.36 The Mayors Stage 1 report states that the provision of a hotel in this opportunity area is welcomed and complies with London Plan policy. 10% of new hotel units will be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users, which is condition appropriately.
- 9.37 In conclusion, the provision of hotel accommodation in this location is supported. It would generate further employment opportunities, serve the substantial business communities in and around Canary Wharf, and also function as a facility for tourists. The hotel would be a natural addition to the area's ability to be part of the 24 hour global financial city.

Retail and Related Town Centre Uses

- 9.38 The proposals include Wood Wharf Square (which includes public realm and retail square at ground level) and a new high street through the heart of the scheme (including retail units at lower ground level). Also, A3 units are proposed along the Southern Esplanade, a café at the base of residential tower W08 and a retail unit is proposed at the base of residential tower W09. In total, the scheme is proposing up to 19,886 sq.m (GEA) of new floorspace for retail (A1), financial services (A2), restaurants & cafes (A3), drinking establishments (A4) and takeaway establishments (A5).

London Plan policies 3D.1 and 3D.3 seek to encourage retail and related uses in town centres and to maintain and improve retail facilities. Map 5C.1 identifies the network of strategically designated town centres in the north east London sub-region, in which Canary Wharf is designated as a major centre.

9.39 The GLA Stage 1 report states:

"In line with Canary Wharf's designation as a major centre, the expansion of retail provision in this highly accessible location is supported in strategic planning terms. The new retail provision is located in a high street arrangement running between the office blocks and aligning with the main access across the site and through to the main Canary Wharf development. Small scale retail units and provision for a weekend market are also included within the proposal. The proposal complies with the London Plan in this regard".

9.40 Policy ST34 of the UDP seeks to support improved provision in the range and quality of shopping within the borough.

9.41 The IODAAP states that the Isle of Dogs Major Centre is the largest town centre in Tower Hamlets and contains (in 2005) 19,300 sq m retail floorspace and an additional 31,220 sq m of service floorspace. Policy IOD15 states that the Isle of Dogs Major Centre will be the focus for new retail and recreation uses to protect and enhance the major town centre status of the area. It advises that retail uses may be appropriate outside of the Isle of Dogs Major Centre where they help to create vibrant mixed-use areas. Policy IOD15 states that the extent of provision in these areas must not compromise the viability and vitality of the Isle of Dogs Major Centre and should be primarily focused on serving the needs of the immediate residential and worker populations.

9.42 According to schedule 4 of the IPG (in support of policy CP15), the western portion of the Wood Wharf site is located in the Isle of Dogs Major Centre. Furthermore, this part of the site is identified as accommodating a future secondary frontage, in accordance with the layout of the WWSPG. Whilst the proposed layout of the high street is on an east-west axis (the design philosophy of which is explained under the design section), the principle of a secondary frontage as proposed is supported in this location. The proposal is designed to promote integration with Isle of Dogs Major Centre and complement the existing uses of the site; the proposal is therefore considered to be an extension of an existing Town Centre.

9.43 Also, policy RT4 of the IPG states that retail and related town centre uses will be supported in the boroughs major town centres. As discussed earlier, the land use designation for the site in the IODAAP includes retail and leisure (A1, A2, A3, A4 and A5). Also, where the proposed development comprises up to 1,668 residential units, the need for retail uses at the base of the affordable housing, is supported by policy 3A.7 of the London Plan, subject to appropriate amenity conditions.

9.44 In accordance with PPS6, a Retail Impact Assessment was submitted by the applicant in support of the planning application. It concludes that the proposals at Wood Wharf would considerably enhance accessibility to the site and linkages with surrounding land uses, including the existing retail at Canary Wharf. The proposals at Wood Wharf would therefore help achieve the objectives of PPS6 by promoting the vitality and viability of town centres by promoting them as the focus for new development.

9.45 The applicant has advised that the retail element of the development proposals provide for local needs and will offer a range of everyday local retail and service facilities such as chemist, dry cleaners, opticians and florists in line with policy EMP6 of the UDP. The comparison retailers would be supplemented with a range of bars and restaurants and community facilities to consolidate its role as a Major Centre.

9.46 The public have raised concern regarding uncertainty over the ability of the proposed High Street to meet the needs of the local community. In accordance with Policy CP15 of the IPG and policy 3D.1 of the London Plan, it would seem reasonable that a strategy addressing the needs of the local community, including a consumer needs assessment

and provision for marketing of retail units, should be conditioned.

- 9.47 Also, concern was raised by the Council's policy department over the impact of the future night time economy uses upon the residential units. However, given this is an outline planning application, the applicant has advised that at this stage it is unclear what mix the A3/4/5 uses will be, how many units they will comprise and the exact locations of evening and night time facilities. As such, the details of proximity from residential uses, impact and level of disturbance, hours of operation and mitigation measures will be dealt with at the reserved matters stage when points of detail are finalised. Appropriate conditions should therefore be imposed.
- 9.48 It is to be noted that the High Street and Wood Wharf Square is currently proposed to be implemented prior to the occupation of buildings W02 and W03 of Phase 2. Adequate access will be provided to ensure existing and new residential communities will be able to access the retail provision easily, which should be secured by condition or s106 agreement.

Community Uses

- 9.49 In support of its objective of creating mixed and sustainable communities, PPS3 seeks to ensure that housing is developed in suitable locations which offer a range of community facilities. Community facilities should be accessible by a range of travel modes including public transport.
- 9.50 Policy 3A.18 of the London Plan seeks to ensure that local planning policies address the need for social infrastructure and community facilities in their area, such as primary healthcare facilities, childrens play and recreation facilities, services for young, old and disabled people, as well as libraries, sports and leisure facilities, open space etc. Further, the London Plan policies seek to ensure that the objectives of the NHS Plan and the delivery of health care in the Borough are promoted (policy 3A.20).
- 9.51 Policy CP16 of the IPG states that the Council will enhance functions of the town centre hierarchy by promoting a complementary mix of uses in town centres, including social and community infrastructure. According to policy CP27 social and community facilities should be designed and located to maximise accessible and inclusive access. Also social and community facilities should be collocated. Policy SCF1 seeks to ensure that social and community facilities are situated within appropriate locations, based on the likely catchment area, accessibility and needs of the area.
- 9.52 According to the WWSPG, *"The provision of community facilities that benefit existing residents as well as future occupiers is vital. Facilities may include a crèche, library, health or community centre, depending on local need and viability"*. Further, *"the provision of community facilities may be located at either Wood Wharf West or East depending on the nature of the use"*.
- 9.53 The proposals allocates up to 5,086sqm (GEA) of floor space for community uses including a NHS Health Centre and an Idea Store to be located in building W04. A crèche is also proposed in the base of residential tower W08. The proposed community park and child play space will also act as a community benefit, although this is addressed in more detail under separate heading within the body of this report.
- 9.54 Policy IOD3 of the IODAAP seeks to ensure adequate healthcare facilities are situated within appropriate locations to meet the needs of the community. The policy identifies Wood Wharf as an appropriate location to serve the existing and growing employment and residential communities. The applicant is proposing approximately 2000sqm (shell and core) of floorspace towards the provision of a new PCT health centre. Also, where the health centre will not be delivered until Phase 4, the applicant is proposing a temporary

health facility to mitigate the potential impacts caused by the development. The temporary facility will be located on the high street, the details of which shall be secured by s106 agreement.

- 9.55 According to Policy SCF12 of the UDP, the Council is obliged to provide adequate library services. 3000sqm of floor space is to be provided within BO4 at Phase 4 of the development to accommodate the relocation of the nearby Idea Store from Canary Wharf which is currently at capacity, which will serve all of the Isle of Dogs. This Idea Store is expected to deliver the following services:
- Adult Library (incorporating the Local History Library)
 - Children's library
 - Soft play area
 - Surfing space providing free public internet access
 - 12 learning spaces, of which some will be specialist teaching spaces.
 - Specialist arts spaces potentially including fashion studies, a multimedia lab and a design studio
 - Meeting and activity space for community groups
 - Display areas for local artists
 - Two interview rooms for advice and guidance to local residents
 - Café
 - Public and staff toilets
 - Archive Storage
- 9.56 Given that the residential uses are to be located primarily to the east of the site, the location of the facility is considered to meet the aspirations of the IODAAP which encourages better accessibility of library and health services for the local community. It should be noted that the Idea Store at Canary Wharf will continue to operate until a new facility is available. In the event that the Idea Store strategy is made redundant before the delivery of the facility, the facility shall be utilised for an alternative public community use to be determined by the Council.
- 9.57 SCF2 of the UDP states that day care facilities will be supported where they are located within a residential area, does not result in unacceptable disturbance on adjacent residential occupiers, the site is located close to shops and the site is located close to public transport. The proposed crèche is located within WO8 and is considered to meet all of the relevant criteria.
- 9.58 The public has raised concern that additional crèche facilities were not provided on site. It must be noted however that the applicant has agreed to a substantial financial contributions totalling £4,000,000 towards social and community development projects and initiatives procured by local voluntary and community sector organisations, including, but not restricted to the Isle of Dogs Community Foundation, for the following purposes:
- a capacity building the voluntary sector,
 - b safety and security initiatives,
 - c community cohesion and integration projects
 - d services for older people, and
 - e services and activities for younger people (which could include childcare facilities)
- 9.59 Despite concerns raised by CABE regarding the provision of community facilities, the on-site provision of community facilities and off-site financial contribution are considered reasonable for this scheme and will be secured by conditions or s106 agreement.

Residential

- 9.60 In accordance with policies 3A.1, 3A.3 & 3A.5 of the consolidated London Plan, the Mayor is seeking the maximum provision of additional housing in London.
- 9.61 Further, as mentioned above, the IODAAP designates the site for residential uses. The WWSPG indicated that the site could accommodate at least 1500 units in a mixed-use environment.
- 9.62 The need for additional new homes is a key strategic and local objective. The proposal comprises the redevelopment of a brownfield site to create a mixed-use scheme that includes residential uses, making effective use of the land. The site will provide up to 1,668 units. According to the Environmental Statement the residential component will generate a population of approximately 2,750 people.
- 9.63 The quantum of housing proposed will assist in increasing London's supply of housing and meeting the Council's housing target of 31,500 new homes from 2007/8 to 2016/17, as outlined in policy 3A.1 and 3A.2 of the London Plan. The proposal will therefore make a significant contribution to meeting local and regional targets and national planning objectives.
- 9.64 Whilst the principle of residential development on this site is supported by policy, careful consideration must be given to the location of the residential buildings. According to the WWSPG and the IODAAP spatial policies, residential units are to be located to the east of the canal. Both of these policies essentially seek to separate the office and residential floorspace.
- 9.65 As proposed, residential buildings and the subsequent housing tenures are mixed across the site. It is proposed that the family affordable housing is concentrated along the eastern portion of the site, with the most convenient access to facilities such as the community park, which includes play facilities. Equally, the proposed family housing is within easy access of the proposed community hub and retail High Street and public transport. The smaller open market units are proposed along the western portion of the site and will be closer to the restaurants and bars on the southern edge of the site. A description of the proposed location and tenure of each of the buildings is set out below:
- W07B is located on the south western part of the masterplan. The tenure of the housing is private;
 - W07C, located adjacent to W07B, is located on the south western part of the masterplan along the southern esplanade. The tenure of the housing is private;
 - W07D is also located within the southern part of the masterplan, along the southern esplanade, adjacent to W07C. The tenure of the housing is a mix of private and intermediate;
 - W08 is located in the south eastern part of the masterplan. The tenure of the housing is a mix of social rented and intermediate; and
 - W09 is also located within the far south eastern part of the masterplan. The tenure of the housing is social rented.
 - W13 is located in the eastern part of the site, to the south of the park and comprises private accommodation.
- 9.66 Whilst residential uses are usually welcomed within town centres, the Canary Wharf Major Centre has generally excluded residential uses due to its role as a business and financial centre. However, it must be noted that the site generally falls outside of the CAZ designation within the UDP, which restricts residential development in favour of central London core activities that will foster the business and financial role of these areas (CAZ1 of the UDP).

9.67 According to the WWSPG, the spatial layout was determined by the socio-economic context of the surrounding area. The SPG states that:

“Commercial development is most appropriate at Wood Wharf West, adjacent to Canary Wharf and closest to the vital transport links at the Jubilee Line and DLR stations. This part of the site should be occupied primarily by business uses within Planning Use Class B1(a) (office), supported by a lively ground level regime of cafés, bars and restaurants (Use Class A3), together with convenience shopping (Use Class A1).

The eastern half of the site, Wood Wharf East, should be primarily residential (Use Class C3), tying in with the existing residential areas at Prestons Road”.

9.68 According to policy IOD14 of the IODAAP, residential uses will not be supported within the area defined as the Isle of Dogs Major Centre. As mentioned above, W07B, W07C and W07D will be located within the Major Centre. According to paragraph 4.9, the Northern sub-area will primarily serve an employment function, and the Council will protect the area defined by the Isle of Dogs Major Centre for non-residential uses only. As is noted within this paragraph, the Council, in doing this, is making a specific exception to the provisions of the London Plan (in particular Policy 3B.4 which seeks a mix of uses, including housing, where increases in office floorspace are proposed) on the basis that the overriding strategic direction of the Northern sub-area is to protect and provide for significant employment uses and globally competitive businesses.

9.69 The inclusion of a significant proportion of residential development along the south western part of the site, directly alongside a major new commercial heartland, will allow for a new sustainable community to develop, whilst building on the existing Isle of Dogs business and residential areas. This is in direct accordance with PPS3 which advises that housing should be developed in locations which offer a range of community facilities with good access to jobs, key services and infrastructure. Also, policy 3D.1 of the London Plan supports a wide role for town centres, including housing.

9.70 As has been detailed earlier in this report, the comprehensive development of the site will complement the strategic global financial role of this area. Further, where the proposed residential buildings are to be constructed into the water space, there is essentially no net loss of developable commercial land resulting from the proposed residential development. Also, the environmental information submitted confirms that the residential development will not have a detrimental impact upon the commercial nature of this area, rather it will result in a more inclusive and vibrant 24 hour environment in accordance with the sustainable principles within PPS1 and the global status of the area.

9.71 Given the unique location of the proposal, and where the residential layout will not have a detrimental impact upon the strategic commercial designation of this area, the proposed locations of the residential uses are considered on balance to be acceptable.

Housing Mix

9.72 The proposals provide a mix of unit types, taking account of the site’s characteristics and context. The appropriateness of this mix is considered against the policy below.

9.73 Paragraph 20 of Planning Policy Statement 3 states that

“key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people”.

9.74 Pursuant to policy 3A.5 of the London Plan the development should:

“offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation”.

- 9.75 The GLA housing requirements study identified within the Mayor’s Housing SPG provides a breakdown of housing need based on unit mix. However, according to the Mayors SPG, it is inappropriate to apply the identified proportions crudely at local authority level or site level as a housing mix requirement. Rather, they should be considered in preparing more detailed local housing requirement studies.
- 9.78 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. On developments of 30 dwellings or more, family dwellings should normally be in the form of family houses with private gardens. The UDP does not provide and prescribed targets however, exceptions to the policy apply where family housing is proposed in locations where physical conditions are unsuitable for family dwellings;
- 9.79 At this stage, where scale is a reserved matter, the applicant has advised that it is not appropriate to specify an exact residential mix. However, an illustrative mix is summarised below compared to that of policy HSG2 of the IPG, which seeks to reflect the Boroughs current housing needs:

		affordable housing						market housing		
		social rented			intermediate			private sale		
Unit size	Total units in scheme	units	%	LDF %	units	%	LDF %	units	%	LDF %
Studio	170	0	0	0	0	0	0	170	14.35	25
1 bed	644	73	23.17	20	82	48.81	37.5	489	41.27	25
2 bed	586	99	31.14	35	67	39.88	37.5	420	35.44	25
3 bed	181	95	30.16	30	19	11.31	25	67	8.94	25
4 bed	67	28	8.89	10	0			39		
5 Bed	20	20	6.35	5	0			0		
TOTAL	1668	315	100	100	168		100	1185	100	100

- 9.80 The illustrative mix for Wood Wharf includes a total provision of 16% family accommodation (3+ bedrooms) with 45.4%, 11.31% and 8.94% family units within the socially rented, intermediate and the private / market elements respectively.
- 9.81 In assessing the residential mix, a key consideration is what is the most appropriate level of family accommodation to be provided on the Wood Wharf site. In terms of social rented housing, policy HSG2 of the IPG identifies that family housing is needed mostly within this tenure. The scheme was proposing 43% family housing, however, in response to Council’s concerns regarding policy HSG2, the applicant has amended the scheme to provide 45% family housing inline with IPG policy targets.
- 9.82 THE GLA Stage 1 report states that *“the level of social rented family housing should be conditioned as part of this outline application. Provided this condition is included, the proposal will comply with the London Plan in this regard”*. The s106 agreement will address this.

- 9.83 In respect of the market housing, whilst the mix does not meet policy targets for family housing, the applicant states that the exact mix should ultimately be for the market to decide. It is to be noted that the Mayor's Housing SPG states that it is inappropriate to crudely apply their *"housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements"*.
- 9.84 The GLA's Stage 1 report accepts that *"the eventual mix for the private units will depend upon market conditions prevailing at the time individual buildings are brought forward at the time of detailed submissions"*.
- 9.85 In consideration of the above, and where the Council has approved schemes with a similar provision of family housing within the private unit mix, this is not considered to be a sustainable reason for refusal. Notwithstanding this, where the current mix is indicative only and is to be phased over a period of circa 10 years, it would seem reasonable to condition the scheme to provide further evidence of the market conditions at the time each building is brought forward at the detailed design stage.
- 9.86 In terms of the intermediate housing, 11% of units are provided as family housing which the applicant acknowledges does not meet the desired local targets. The applicant states that affordability of having large quantities of larger flats for shared ownership in a high value area must be taken into account. The applicant states that the level of service charges in high density mixed use tenure schemes can be unacceptably high for residents in social rented and intermediate housing and can undermine the degree of affordability that has otherwise been secured.
- 9.87 According to policy, the site has potential to deliver a high-quality, high-density scheme, that is of mixed-use character. However, the proposed development must ensure that high density does not mean a trade-off in terms of quality and residential amenity. To comply with local, strategic and national policy, a sustainable high density scheme must also be supported by appropriate infrastructure, for example, appropriate child play space and also public open space. Further to the affordability argument raised by the applicant, if additional family accommodation was to be included in the proposals, there would be greater requirements on associated amenity space.
- 9.88 According to policy HSG7 of the UDP, as mentioned above, exceptions to the family housing policy apply in locations where physical conditions are unsuitable for family dwellings. High density, central urban locations are generally not considered to be the most suitable areas for family housing, particularly where the quantum of family housing proposed will result in a significant child population. The Council's housing department has raised concern over the child densities resulting from the scheme, estimated at 550 child bed spaces. Whilst the scheme has been designed to accommodate the proposed child densities, any further increase of family housing could have a negative impact on the social and physical infrastructure and is considered unsuitable for this location.
- 9.89 CABE's has expressed reservations regarding the quantum of affordable housing, particularly 3 - 5 bedroom family units, where they state:
- "Despite meeting the London Borough of Tower Hamlets' immediate needs, we question whether this housing mix is appropriate for the nature of this development as currently envisaged, or for the intended residents. We are concerned that the potential exists for a ghetto to develop in the eastern end of the site, if this section is developed with the high proportion of the affordable accommodation that is currently proposed"*.
- 9.90 Notwithstanding this, the scheme exceeds the amount of family housing otherwise

achieved across the borough based on the most recently published LBTH Annual Monitoring Report 2006-7. The table below demonstrates that the proposed development is a significant improvement upon what has been achieved across the borough and in terms of aspiration, is a positive step towards LBTH achieving key housing targets and better catering for housing need.

Tenure	Borough-Wide %	Proposal %
Social-rented	17.5	45
Intermediate	2.5	11
Market	4.1	9
Total	7.1	16

9.91 It must also be noted that on the 24th April 2008, the Council approved a residential-led development at New Providence Wharf, Blackwall Way (PA/06/2101) with a similar mix to the proposed scheme. The site is located approximately 400 metres to the north-east of the site. The approved mix for this development provides a total of 15% family accommodation with 59%, 0% and 9% family units within the socially rented, intermediate and the private / market elements respectively.

9.93 It is clear that the proposed scheme does not comply fully with the housing mix targets identified within policy HSG2 of the IPG. However, whilst housing mix is clearly capable of amounting to a valid reason for refusal, in the circumstances of this case it is unlikely that this would on balance be sustainable, for the following reasons:

- The proper application of the housing policy is not to regard the percentages as rigid criteria but as guidelines to be considered in the context of other material considerations. It is significant in this regard that policy CP21 refers to the percentages as targets. Furthermore, such an approach accords with the general approach to making planning decision in which competing factors must be weighed against each other. An approach which treats these policies as providing guidelines as opposed to rigid criteria sits more comfortably within the wider policy matrix in which the decision has to be taken;
- The family housing provision complies with the IPG social rented housing targets, which is identified as the priority need in the borough;
- The scheme represents the sites maximum capacity for family housing and any more is likely to result in social behaviour and management problems;
- Due to the particular site's suitability for high density development, the scheme satisfies the exception criteria for the provision of larger 'family sized' units, as set out by policy HSG7 of the adopted LBTH UDP.
- The Council has previously approved developments much smaller in nature with smaller percentages of family sized accommodation in the market and intermediate elements, which confirms that the Council has adopted a flexible interpretation of these policies in the past; and
- Any harm arising from the shortfall of family housing in the market and intermediate segments is outweighed by the benefits of bringing a significant urban brownfield site into use for a major mixed-use development that meets national, regional and local objectives, particularly employment, housing and regeneration objectives.

9.94 The planning system is about achieving the right balance of uses to ensure maximum benefits. On balance, the proposal is considered to comply with the broad principles of national, regional and local planning policy by providing an appropriate residential mix in terms of small and larger units within tall buildings on a constrained site that is located in a central location.

Affordable Housing

- 9.95 Policy 3A.9 of the London Plan sets out a strategic target that 50% of the new housing provision should be affordable. In addition, Policy 3A.10 encourages councils to have regard to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.
- 9.96 PPS3 states that the Government is committed to providing high quality housing for people who are unable to access or afford market housing. Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 9.97 The WWSPG states that the proposals for Wood Wharf should include 25% affordable housing units, however at the time that the document was prepared, that was the Council's minimum target in its UDP.
- 9.98 The toolkit assessment states that the scheme can only viably provide 18% affordable housing (based on habitable rooms). However, the applicant is proposing to provide 35% affordable housing subject to the availability of grant funding.
- 9.99 According to policy HSG3 of the IPG, in seeking to negotiate the maximum reasonable amount of affordable housing, the Council will have regard to the economic viability of the proposal and the availability of public subsidy to support affordable housing on site.
- 9.100 An evaluation of the schemes viability was prepared by the applicant using the GLA Affordable Housing Development Control Toolkit, where the scheme is proposing less than 50% affordable housing, in line with policy 3A.10 of the London Plan. The toolkit assessment has been scrutinised independently by the Valuation Office, who have sought additional information from the applicant where the Valuation Office are seeking uplift from the proposed 35% provision currently proposed. The applicant has confirmed that the scheme cannot provide any more than 35% affordable housing. Talks between the GLA and the applicant are ongoing. Notwithstanding, where the scheme is compliant with the Council's affordable housing target of 35%, the scheme on balance, is considered acceptable.
- 9.101 According to paragraph 18.6 of the Mayors Housing SPG, where the availability of grant is not known, S106 agreements should include a cascade agreement, based on financial appraisal, which links the required affordable housing output to the availability of grant. This should set the requirement for affordable housing should no grant be available, and the output required should grant be available at a specified level or levels. Cascade agreements should allow for affordable housing output to be increased if additional grant is made available. An appropriate cascade agreement should be written into the s106 agreement if the committee are minded to approve the scheme.

Social Rented/ Intermediate Ratio

- 9.102 Against London Plan policy 3A.9 affordable housing target of 50%, 70% should be social rent and 30% should be intermediate rent.
- 9.103 Policy CP22 of the IPG states that the Council will require a social rented to intermediate housing ratio split of 80:20 for all grant free affordable housing.
- 9.104 The scheme was proposing a housing ratio split of 69:31 rented/ intermediate (by habitable room). However, following concerns raised by the Council the applicant has amended to scheme to provide a 70:30 rented/ intermediate split.

- 9.105 Where the tenure split is now in line with the London wide 70/30 split referred to in the London Plan, the scheme is considered on balance to be acceptable.

Quantum of Development

- 9.106 It was noted above that the proposals greatly exceed the parameters put forward within the WWSPG. However, in accordance with policy 2A.5 and 5C.3 of the London Plan, development within opportunity areas will be expected to maximise residential and non-residential densities.
- 9.107 Further, Policies 3A.2 and 3A.3 of the London Plan encourage Boroughs to exceed the housing targets and to address the suitability of housing development in terms of local context, good design principles and public transport capacity. Policies CP20 and HSG1 of the IPG seek to maximise residential densities on individual sites taking into consideration the local context and character, residential amenity, site accessibility, housing mix and type, achieving high quality, well designed homes, maximising resource efficiency, minimising adverse environmental impacts, the capacity of social and physical infrastructure and open spaces, and to ensure the most efficient use of land within the Borough.
- 9.108 The site has a PTAL level 4 (in a range of 1-6). The supporting paragraph to policy IOD13 of the IODAAP states that for the purposes of determining housing density, the site is considered central in character and is within the range of 650 – 1100 habitable rooms per hectare. The scheme is proposing up to 1668 units.
- 9.109 With respect to commercial densities, the London Plan set a maximum plot ratio of 5:1. However, plot ratios may be maximised depending on local context, including built form, character and existing or potential public transport etc. The WWSPG makes it clear that 1 Canada Square and Canary Wharf in general significantly exceed this ratio.
- 9.110 The principle of a high density development has been established through the adopted WWSPG. The location of Wood Wharf, within an area designated as an appropriate location for tall buildings and with good public transport accessibility, is considered entirely suitable for a high density development including residential use.
- 9.111 Strategic planning policy makes clear that the potential of brownfield sites must be maximised. Also, where the site is identified as forming part of the Isle of Dogs Opportunity Area, the site is capable of accommodating substantial new jobs and/or homes which the London Plan states should be maximised. In fact, the northern part of the Isle of Dogs has changed significantly in character over recent decades and it is now seen as a key strategic location for achieving densities beyond what had previously been achieved elsewhere.
- 9.112 Given the mixed-use, integration and comprehensive nature of the proposal, it is difficult to arrive at a specific housing density calculation. To apply the total habitable room count (4415 hr) over the site area (7.98 hectares) results in a density of just 553 hr/ha which is well below the limits. Or alternatively, you subtract the maximum commercial footprints (6 office buildings and the hotel) from the total site area and include the public realm only as the site area, you get a figure of 790 hr/ha (4415ha/5.59ha). Again, the scheme is well below the maximum density limit for housing.
- 9.113 According to section 8.1 of the WWSPG, *“the masterplanning exercise indicates that Wood Wharf could accommodate at least”* 460,000sqm of floorspace. Further, according to section 5.5 of the SPG, the density figures are provided as a guide. The scale and form of any new buildings at Wood Wharf, both commercial and residential, will be subject to a detailed appraisal at the planning application stage

9.114 Also, the density policies within the London Plan and the IPG are guidelines and not rigid benchmarks. In fact, the London Plan seeks to maximise the potential of sites, taking into account the local context and London Plan design principles, as well as public transport provision. Moreover, it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:

- Access to sunlight and daylight;
- Loss of privacy and outlook;
- Small unit sizes
- Lack of open space and amenity space;
- Increased sense of enclosure;
- Increased traffic generation; and
- Impacts on social and physical infrastructure;

9.115 These issues are all considered in detail later in the report and were considered on balance to be acceptable.

9.116 On review of the above issues, in accordance with the WWSPG a high density residential-led mixed use development is supported in this location. Whilst the proposed density may exceed the policy targets, the proposal is considered to satisfy the relevant policy exception tests where the proposal:

- Integrates effectively within the local context and character;
- Seeks to protect and enhance residential amenity;
- Incorporates good design principles;
- Provides range of housing choice and employment opportunities;
- Integrates with Isle of Dogs Major Town Centre;
- Benefits from good accessibility;
- Provides publicly accessible open space high quality public realm areas;
- Provides other non-residential uses on-site;
- Mitigates likely cumulative impact on local services and infrastructure; and
- Maximises resource efficiency.

Open Space and Leisure

9.117 There is an existing deficiency in the supply of both indoor sport and recreation facilities and public open space across the Borough as evidenced by the Council's Open Space Strategy and the emerging Leisure Facility Strategy. The Council considered it appropriate to seek contributions towards both sport and recreation facilities and public open space, as explored below:

1. Public Open Space

9.118 Whilst landscaping is a reserved matter, the application seeks permission for layout and as such, open space areas and landscaping principles have been defined and incorporated within the scheme. The application includes a strategy on how public realm and open space will be incorporated into the scheme, including a community park.

9.119 The principal issues with respect to the provision of open space centre around the quantity, quality and accessibility of the proposed open space provision and how this will be secured and managed.

- Proposed Open Space Provision

9.120 For clarity, the size and typology of open space and residential amenity space in the proposed Wood Wharf scheme has been categorised below:

CATEGORY	AREA REQUIRED BY LBTH (SQ M)	PROPOSED SCHEME (SQ M)
1. OPEN SPACE		
a. Land		
(i) Public Realm Areas	25,000 (site specific policy for Wood Wharf)	28,249
(ii) Community Park		9,767
(iii) High Street		3,312
(iv) Shared surfaces		7,842
Sub Total:		49,170
b. Water		
(i) Canal	-	5,134
(ii) Graving Dock, Docks & Blackwall Basin	-	40,063
(iii) Floating Eco Islands	-	474
Sub Total:		45, 671
2. RESIDENTIAL AMENITY SPACE (PRIVATE & COMMUNAL)		
(i) Ground Level	15,620	7,000
(ii) Above ground level		
GRAND TOTAL:	40,620	101,841

- Open Space Definition

9.121 Concerns have been raised by the Council over the definition of open space as applied by the applicant. In particular, concerns centre around the applicant inclusion of dock side public realm areas, shared surfaces, water space and the high street within their open space calculations. Accordingly, it is important to identify how open space is defined by National, Regional and Local policy and guidance.

9.122 Planning Policy Guidance (PPG) 17: Planning for Open Space, Sport and Recreation (2002), provides national guidance on planning for open space, sport and recreation. It states that “*open space should be taken to mean all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and recreation and can also act as visual amenity*”.

9.123 Further, PPG17 also states that local authorities should recognise that most areas of open space can perform multiple functions, as they may be passive and/or active in nature.

9.124 The London Plan (2008) defines open space as “*all land in London that is predominantly undeveloped. This definition covers a broad range of types of open spaces within London, whether in public or private ownership and whether public access is unrestricted, limited or restricted*”.

- 9.125 Central and regional governments are directing local authorities to take a strategic approach to the development of open space. PPG17 requires Local Authorities to set local open space standards, including quantitative, qualitative and accessibility thresholds and that these should be incorporated into development plans. In accordance with Policy 3D.11 of the London Plan, London Boroughs are required to prepare Open Space Strategies (OSS) to understand the supply and demand of open spaces and identify ways of protecting, creating and enhancing them and improving the quality through better management.
- 9.126 The Mayor's Best Practice Guidance on Preparing Open Space Strategies requires boroughs to identify and analyse all open space, whether or not it is publicly accessible or has a defined recreational role. In considering the types of open space, the Mayor's guidance defines both Public and Private forms of open space.
- 9.127 Public Open Space is defined as "*public parks, commons, heaths and woodlands and other open spaces with established and unrestricted public access and capable of being classified according to the open space hierarchy, which meets recreational and non-recreational needs*". Private open space is defined as "*open space to which public access is restricted or not formally established but which contributes to local amenity or wildlife habitat or meets or is capable of meeting recreational or non-recreational needs, including school and private playing fields*". The guidance also states that private residential gardens or incidental areas such as road verges or streets (unless these form part of a link in the open space network) should not be included.
- 9.128 An OSS for the London Borough of Tower Hamlets (2006 – 2016) has been prepared and adopted. Whilst the strategy adopts the definition of open space set out in the London Plan, a key issue for the strategy was determining what open space provision standard was appropriate for an inner London Borough like Tower Hamlets.
- 9.129 The Council compared actual provision with the National Playing Field Association (NPFA) Standard 2.4 hectares per 1000 population, which was developed to quantify the amount of open land required for the sports and play needs of local communities. This is in accordance with other Borough strategies. It therefore focuses on green space that is fully accessible to the public and that can be used for these purposes. Therefore, not all types of open space were counted as contributing towards this type of provision.
- 9.130 Based on NPFA Standard, the Council's OSS identifies an open space provision standard of 1.2 hectares per 1,000 population which has been adopted within policy CP30 of the IPG. In accordance with the NPFA Standard, certain types of open space are excluded from the Council's standard, including canals, docks, and basins since this standard has been adopted to measure the provision of open space suitable for the outdoor sports and play needs of local communities.
- 9.131 According to the Open Space Strategy, only the following typologies of open space (which come from PPG17) with the asterisk (***) were identified as contributing to the open space standard of 1.2 hectares per 1000 population:

PPG 17 & GLA Typology	Local Typology	Number of sites
Parks and gardens	Major parks ***	3
	Local parks ***	53
	Square or garden ***	42
Provision for children and teenagers	Playground ***	14
Natural and semi-natural urban green space	Ecological (equating to semi-natural spaces), where a site's primary function is wildlife habitat; none of these sites in Tower Hamlets is publicly accessible	8
Amenity green space	Housing open space	6
Green corridors	The canals function as green corridors but are classified here as civic / water front (see below) since these are particularly important in Tower Hamlets	Nil
Accessible countryside	None in Tower Hamlets	Nil
Outdoor sports facilities	Outdoor sports facilities (all in school grounds, therefore not fully accessible to the public without specific agreement)	7
Brownfield land	Brownfield land (note no sites >0.3 ha. were found; there are operational open spaces such as car parks and gas works which have not been included)	Nil
Churchyards and cemeteries	Burial grounds ***	20
Allotments, community gardens and city farms	Allotments / city farms ***	7
Civic space	Civic space / water front	31
	Total	191

9.132 This position was fully adopted within policy CP30 of the IPG.

9.133 Further, policy IOD5 of the IODAAP states that at least 2.5 hectares of the Wood Wharf site should be provided as 'public' open space, and that:

1. *At least one large contiguous green space should be provided which primarily serves the green space needs of the proposed residential population. This should be large enough to cater for a range of experiences within the open space from passive to active.*
2. *Other spaces can be orientated to the docks and provision along key pedestrian routes.*

9.134 The 2.5 hectare provision was based on the Council's open space standard and the population expected from the 1500 units identified in the WWSPG land-use allocation.

9.135 As mentioned above, the development is proposing to increase the number of units identified in the WWSPG to 1,688 units. According to the applicants socio-economic analysis within the Environmental Statement, the proposal for 1,688 units is expected to accommodate around 2,750 people. As such, a total of 3.3 hectares of the Wood Wharf site should in fact be dedicated to open space, in accordance with the open space of policy CP30.

9.136 In considering the above policy justification, the Community Park (9,767 sqm or approximately 0.98 hectares) is considered to contribute towards meeting the open space

standard, but, all of the alternative open space areas are not considered to comply with the open space standard where they do not provide for the recreational green space needs of the proposed residential population as defined. Therefore there is a shortfall of 23,233sqm (or approximately 2.32 hectares) of open space that should be provided on-site in accordance with the open space standard.

- 9.137 Where there is a shortfall, according to circular 05/05 (planning obligations), it is reasonable for the Council to secure financial contributions towards the provision of off-site open space to mitigate any potential impact arising from the development. The applicant has agreed to contribute £3,435,541 towards off-site improved capacity, quality or access to existing public open space or laying out of new open space in line with the Council's Open Space Strategy.
- 9.138 In accordance with the OSS, civic spaces were not considered to attribute to the borough wide open space target identified within CP30 of the IPG. However, CP30 does state that the Council will *"seek to improve upon the open space standard on 1.2 hectares per 1000 population"* and will *"promote the use of new innovative design measures to achieve high quality open space"*.
- 9.139 In considering the 'public realm' areas (particularly the dock side edges), the applicant is proposing innovative design measures to create high quality passive recreation areas. Given the urban context of the locality, and the high-density nature of the proposed development, these areas are considered particularly important in meeting the needs of the transient workers. Officers are of the opinion that these areas should be considered as contributing over and above the borough wide open space target, particularly given that the open space standard does not take into account the transient populations of workers, students and visitors who also use Borough open spaces. The total area of these spaces is 28,249sqm (or approximately 2.8 hectares).
- 9.140 In accordance with PPG17, the amenity value created by opening up the site to Blackwall Basin, the eco-islands, the graving dock and the south dock, as well as the creation of a new canal, must be factored in when considering the total open space contribution created by the development.
- 9.141 It is to be noted that there are a number of approved high density schemes in the borough that do not make a contribution towards on-site publicly accessible open space. Where the application will provide significant contributions to both on-site and off-site public open space, in addition to the provision of high quality public realm, the scheme is considered on balance to comply with regional and local policy .

2. Indoor sport and recreation facilities

- 9.142 The Council is currently developing a leisure facility strategy to address existing capacity issues and future demand growth. Initial capacity research for this strategy (due to be formally adopted later in the year) has demonstrated that at present, based on the relatively low population projections provided by Office of National Statistics (ONS), the borough has a shortfall of both swimming pools and sports halls with a specific geographical deficiency of water space identified in the Poplar area and a shortage of sports halls on the Isle of Dogs. The capacity research concludes that on the basis of the low ONS population growth statistics, this shortfall will grow over the coming years to 2018. When taking into account the much higher GLA statistics, demand is projected to be even higher. The proposed development will contribute to this increased shortfall and a contribution is therefore justified.
- 9.143 National planning guidance in PPG17 explains that local governments will be justified in seeking planning obligations for sport and recreation facilities where new development increases existing demand.

- 9.144 The Council's Interim Planning Guidance policy CP27 seeks to resist the loss of existing sports and recreation facilities unless there are acceptable plans for their full replacement. Also, the policy seeks to secure improvements for the provision of new, or improvements to, sports and recreation facilities.
- 9.145 The proposed development will involve the loss of two indoor private sports facilities (circa 7000 sq.m.). The loss of these facilities will increase demand on existing public and private facilities in the Borough. The WWP is not proposing to provide alternative or replacement indoor sports and recreation facilities as part of the development. This is a significant concern where the proposed development will increase the local residential population by 2,750 and the daytime working population by approximately 25,000 people.
- 9.146 Where on site provision is not provided for, the applicant has agreed to pay a contribution of £1,117,319 towards off-site improvements to the capacity of indoor sport or recreation facilities or towards the provision of new indoor sport or recreation infrastructure in line with the emerging leisure centres strategy. This contribution is considered acceptable in mitigating any impacts created by the development upon existing infrastructure.

3. Child Play Space Assessment

- 9.147 London Plan Policy 3D.13 requires developments that include residential units to make provision for play and informal recreation, based on the expected child population. Using the methodology within the Mayor's SPG 'Providing for Children and Young People's Play and Informal Recreation, the GLA stage 1 report anticipates that the development will generate a child population of approximately 555 children. The Mayor's SPG sets a benchmark of 10sq.m of useable child playspace to be provided per child, with under 5 child play space provided on site. As such, in accordance with the SPG the development should make provision for 5,550 sq.m of playspace.
- 9.148 The development is proposing 2,522sqm of formal child place space:
- There is a dedicated under 5's play area of 233sqm within the gated private open space for the buildings W08 and W09, which will include a variety of playable features and equipment.
 - An area of 213sqm is dedicated to play for under 5's on the main island along the south esplanade.
 - A docked barge will be located in the south-western corner of the park. This play area will cater for children up to 11 years and has an area of 163sqm
 - The central play area, 1913sqm to the north of the main pedestrian route through the site is a neighbourhood playable space that caters for all ages. The space is divided into three parts: an informal play area that uses nature for play; a central area that contains play equipment for all ages and abilities; and a hard surfaced space that could be used for informal ball games and a market space at weekends or for special events.
- 9.149 All of the above are publicly accessible except the area under point one.
- 9.150 Further to this, the community park is surrounded on three sides by water. The proximity to the water could provide opportunities for informal water based activities such as pond dipping.
- 9.151 The high street area includes opportunities for seating and gathering places for young people. Similar opportunities could also be provided in the central park and throughout the development, which should be addressed through the reserved matters stage.

9.152 The GLA stage 1 report states:

“Whilst the formal play space provision does not meet the benchmark figure of 10 sq.m. per child, the overall quantum of space capable for use for play and the quality of space provided means that the amount of play space is adequate. However, in order to comply fully with the requirements of the London Plan in this regard, formal provision should be made for facilities for young people...either in one of the open spaces or integrated into the ground floor of one of the buildings”.

9.153 It must be noted that in both UDP and IPG policy sets a benchmark of 3sq.m of useable child playspace to be provided per child. Using the Mayors SPG density figure of 555 children, the development would be required to provide 1665sqm of useable playspace, which it clearly exceeds. In consideration of the stage 1 comments, it must be noted that the developer has agreed to contribute financially to off-site open space and indoor recreation facilities which would address the indoor and outdoor recreational needs of young people. Further, the concerns raised by the Council's parks department regarding seating provision within the development, will be addressed at the detailed design stage, where landscaping is a reserved matter.

9.154 In considering the acceptability of a financial contribution towards addressing the play needs of young people off-site, London Plan Policy 3A.18 seeks to enhance social and community infrastructure, including child play and recreation facilities, which can be provided within easy reach by walking and public transport of the population that use them.

9.155 Also, paragraph 11.8 of the Mayors SPG for Housing, states that when assessing needs of children and young people, *“full account should be taken of their need for play and informal recreation facilities within walking distance of their home”.*

9.156 The applicants Play Space Strategy identified that the Isle of Dogs contains a significant amount of playable spaces although some of these require upgrading and further maintenance. The financial contribution secured towards open space could also be used to improve these areas in accordance with the Council's open space strategy.

9.157 Accordingly, the proposed child play space strategy is considered acceptable in accordance with regional and local policy objectives.

Residential Amenity Space.

9.158 As mentioned above, the private residential gardens have not been included within the strategic open space targets in accordance with the Mayor's Best Practice Guidance on Preparing Open Space Strategies. There are separate planning policies for assessing residential amenity space provision.

9.159 According to paragraph 16 of PPS3, matters to consider when assessing design quality of housing developments include the extent to which the proposed development *“provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies”.* Paragraph 17 of PPS3 states that *“where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space”*

9.160 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not increase pressure on existing open space areas and playgrounds. The Council's Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided, as shown below:

Tenure	Proposed	SPG Requirement	Total (m ²)
Family Units	244	50sqm of private space per family unit	12200
Non-family units	1424	50sqm plus an additional 5sqm per 5 non-family units;	1474
Child Bed spaces Child Bed spaces	555	3sq.m per child bed space	1665
Total	1668		15339

9.161 Applying IPG policy in respect of residential amenity space (policy HSG7) produces the following indicative provision of amenity space would be sought:

UNIT TYPE	NO. OF UNITS	LBTH AMENITY SPACE REQUIREMENT	REQUIRED PROVISION OF AMENITY SPACE
Private Ground Floor			
3 bed+	12	50 sq m	1,708 sq m
		Total:	600 sq m
Private Above Ground Floor			
Studio	170	6 sq m	1,020 sq m
1 bed	642	6 sq m	3,852 sq m
2 bed	600	10 sq m	6,000 sq m
3 bed	173	10 sq m	1,730 sq m
4 bed	59	10 sq m	590 sq m
5 bed	12	10 sq m	120 sq m
		Total:	13,312 sq m
Communal			
	1668	50 sq m for first 10 units plus 5 sq m for every additional 5 units	1,708 sq m
TOTAL PROVISION OF AMENITY SPACE SOUGHT:			15,620 sq m

9.162 According to the above table, and the public realm strategy, the applicant has indicated that the scheme is expected to provide 7000sqm of private residential amenity space in accordance with the following typology:

- 1779sqm of communal amenity space (which will primarily serve the social and intermediate units within buildings W08 and W09); and
- 5,221sqm of private amenity space above ground level in the form of balconies and terraces.

9.163 In accordance with the IPG policy, the scheme would exceed the minimum standard for communal amenity space but fails to meet the standard for private amenity. It is clear that the development does not meet the residential amenity space standards of both the UDP and the IPG. Notwithstanding, it must be noted here that scale and appearance are reserved matters. Accordingly, in consideration of the proposed scale parameters, there maybe opportunity to increase the provision of private amenity space above ground within the proposed building envelopes at the detailed design stage which the applicant acknowledges.

9.164 The applicant has advised that in providing tall residential buildings, they have sought to provide the optimal outcome for the site in its entirety realising that private amenity space

at higher levels in buildings, may not always be successful and useable due to microclimate conditions. In order to overcome this, the scheme seeks to provide amenity space elsewhere in the site.

- 9.165 Also, the applicant has stated that residential units which contain balconies are generally sold at a premium. Where not all purchasers are able to pay for this premium, they rely on the availability of a range of unit types to choose from, including residential units which do not include balconies. The applicants design guideline advise that private amenity space will principally be focused towards family housing.
- 9.166 Whilst lack of amenity space provision is a reasonable ground for refusal, it would be difficult to sustain in consideration of the PPS1 references mentioned above which places substantial value upon the provision of a new community park, substantial on-site child play space and private communal amenity space, to mitigate the developments impact upon existing open space infrastructure and to meet the recreational needs of children. Also, it would be difficult to sustain where the Council has recently approved schemes that do not meet the policy targets in providing private amenity space and do not make an on-site contribution towards the provision of public accessible open space.
- 9.167 Notwithstanding this, given that appearance is a reserved matter and detailed design has not been provided, including microclimate studies to these facades, as well as the absence of any viability studies to validate the applicant affordability claim, it is reasonable to secure a s106 obligation upon each residential building to seek to comply with the residential amenity policies, subject to the provision of further evidence to justify any deficit.

Design and Access

- 9.168 The scale and appearance of the scheme are reserved matters, however, the outline development has considered how the design will come forward in the context of the proposed layout, taking account of the site's characteristics and contextual location.
- 9.169 A Design Guidelines document was submitted that builds on the Wood Wharf Design and Access Statement and the Accessibility Statement. The Design Guidelines are a set of specific rules or requirements intended to guide the development of the site. The objective is to ensure that a high quality design of buildings and public realm is achieved across the site, pursuant to the outline application. The Guidelines regulate the character and appearance of landmark buildings with a particular emphasis on tall buildings. Reserved matters applications following the issue of the outline planning permission will follow the key principles in the design guidelines. The Design Guidelines will be conditioned appropriately.
- 9.170 PPS1 promotes high quality and inclusive design, creating well-mixed and integrated developments, avoiding segregation, with well planned public spaces. The PPS recognises that good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design should;
- Address the connections between people and places by considering the needs of people to access jobs and key services;
 - Be integrated into the existing urban form and the natural and built environments;
 - Be an integral part of the processes for ensuring successful, safe and inclusive villages, towns and cities;
 - Create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and
 - Consider the direct and indirect impacts on the natural environment.
- 9.171 Policy 4B.1 of the London Plan sets out the design principles for a compact city stating that developments should inter alia, seek to ensure that developments maximise the potential

of sites, create or enhance the public realm, are accessible, provide for or enhance a mix of uses, usable and permeable for all users and are attractive to look at and, where appropriate, inspire, excite and delight.

- 9.172 Policy 4B.2 of the London Plan states that the Mayor seeks to promote world class high quality design. Policy 4C.3 seeks a high quality of design for all waterside development. All development, including intensive or tall buildings, should reflect local character, meet general principles of good design and improve the character of the built environment.
- 9.173 Policy DEV1 of the adopted UDP sets out the general principles that the Council will promote. This is further established within the IPG. Policy CP4 states that the Council will ensure development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 reiterates this and states that developments are required to be of the highest quality design, incorporating the principles of good design including;
- Taking into account and respecting the local character and setting of the development site, including the surrounding;
 - scale, height, mass, bulk and form of development;
 - building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements;
 - building plot sizes, plot coverage and street patterns;
 - design details and elements;
 - building materials and external finishes; and
 - natural environment, including watercourses or waterbodies.
 - Enhancing the unique characteristics of the surrounding area to reinforce local distinctiveness and contribute to a sense of place;
 - Protecting and enhancing the historic environment, in particular Listed Buildings and Conservation Areas, and their settings;
 - Ensuring design of the public realm is integral to development proposals;
 - Creating visual interest in the urban environment, including building articulation;
 - Contributing to the legibility and permeability of the urban environment; and
 - Ensuring the use of high quality building materials and finishes.
- 9.174 Policy DEV2 also states that development should contribute to achieving the future desired character for the area, where this character has been identified in the AAP.
- 9.175 Policy IOD1 of the IODAAP states that design will be managed by ensuring that development, considers, reflects and responds to the waterside location of the Island and contributes to making a unique location in the London context; preserves and enhances heritage assets and tall buildings will be clustered around 1 Canada Square with building heights reducing from this point. The AAP further recognises that design has an important role in creating accessible, well connected, safe and secure environments that people can enjoy being in.
- 9.176 The WWSPG outlines the broad principles and design parameters that will guide future developments on the site. It identifies the site as a pivotal development, a transitional link between the immense scale and commercial environment of Canary Wharf and the lower scale of residential areas that lie to the east and south of Wood Wharf. The establishment of development and design principles within the WWSPG emerged from the necessity to address this transition in scale and land-use.
- 9.177 The framework establishes principles with regard to site layout, land-use, building density, building height and desire lines for movement and circulation. It also outlines the character and quality of the 'place' envisaged to be created.

9.178 The framework is based upon four key concepts

1. Establishing a layout that maximises the potential of the site compatible with local context.
2. Creating a permeable development that strengthens east-west links and improves connectivity across the Isle of Dogs.
3. Integrate public spaces and active waterfronts to establish vibrant, safe and enjoyable areas and create a focus to the site around the central basin.
4. Incorporating gateway / landmark buildings and focal points that create a 'sense of place' and identity for a new Wood Wharf.

9.179 In the context of the above issues regarding design, the following area will be explored below:

1. Layout
2. Accessibility and Inclusive Design
3. Tall Buildings
4. Archaeology and Built Heritage
5. Safety and Security
6. Blue Ribbon Network

Layout

9.180 According to the WWSPG, the three principal factors that will determined the layout of the development at Wood Wharf are:

1. The existing pattern of development in respect of axial views established by the grid geometry of Canary Wharf;
2. The proposal to introduce a new canal link; and
3. The constraints imposed by the Jubilee Line tunnels.

Grid Layout

9.181 CABE has raised concern that the orthogonal grid arrangement of the towers in the commercial section of the development is very rigid. However, according to the WWSPG, the grid layout of Canary Wharf establishes a clear pattern of building alignments and a strong building line running east to west. The development of the western section of Wood Wharf should therefore seek to reflect this configuration of development. The influences acting upon the east of the site, principally the character of the adjoining residential areas and the Jubilee Line tunnels, are more varied, which may result in a less constrained geometry.

8.182 The Wood Wharf site itself is dominated by the large form of the warehouses reflecting its industrial heritage and the light industrial uses that now exist here. The proposed continuity of urban grain and grid into the Wood Wharf site allows the large scale buildings to better relate to those of Canary Wharf. The proposed disaggregation of the grid at the Wood Wharf site edges with its looser fit residential pattern, non-orthogonal dock edges and boundaries play against the formal grid to better integrate with the more ad hoc arrangement of the residential setting to the east and the various on-site public realm opportunities at the water's edge.

9.183 The Design and Access Statement identifies that the proposed layout was selected against a number of options where it best responded to site constraints, the continuation of the Canary Wharf grid, a central east west space creating a strong visual corridor, full use of the surrounding water context, a strong commercial core, good connectivity to the east and west, an eastern canal placement, a large park to the east of the site integrating Lovegrove Walk and the Graving Dock within the design approach and good residential locations the

southern part across the site.

- 9.184 The nature of the site and the inclusion of residential accommodation generates a mixed scale and individuality of the site which differentiates it from Canary Wharf. The site also differentiates itself from Canary Wharf by the nature of its quaysides and form - surrounded on three sides by water. However, to ensure this differentiation would not result in isolation of the Wood Wharf site from Canary Wharf, a continuity of skyline with Canary Wharf is maintained.
- 9.185 Having adopted an urban grid continuity and urban footprint scale for commercial buildings similar to those at the adjoining Canary Wharf, the packing and density of the grid becomes critical in terms of urban space and street scale. According to CABI, the detailed design of the central square will be the key aspect in achieving this. It is important that the potential drama of this central space, where it is flanked by tall buildings which themselves are flanked on their opposite faces by waterside public spaces of a completely different character, is maintained.
- 8.186 The GLA stage 1 report states that, *“the layout is well thought out and will create a high quality urban development”*.

Canal

- 9.187 Policy 4C.21 of the London plan seeks opportunities for the creation of new canals and the restoration of the network including former links and basins, as part of major development proposals and regeneration projects.
- 9.188 British Waterways has a requirement for a new canal to enhance navigation between Blackwall Basin and South Dock. The WWSPG proposals incorporate a centrally located canal which divides the site into two parts. The applicant has identified that a canal placed centrally on the site raises a number of key strategic issues:
- A centrally located canal will substantially compromise the provision of a fully functioning service basement.
 - A single unified basement serving all the commercial buildings is required for operational and security reasons. The provision of a commercial basement dramatically reduces vehicular impact on the public realm above.
 - Issues around the phasing of the construction of the development also raise concerns. A central canal will provide a major constraint to construction and phasing of the scheme over time.
 - A central canal will also impose an inevitable separation, where continuity is mostly required. The navigational approach from the south to a central canal cuts across the main lock mouth.
- 9.189 Therefore the applicant investigated alternate arrangements in order to ensure that the canal position will be the best possible option in terms of phasing and delivery and to provide maximum benefits to the overall design. The placement of the proposed canal to the east was considered to be the best strategic placement for the following reasons:
- An eastern canal location will integrate best with the most likely location for public open space.
 - An eastern canal has least construction and phasing impact on the scheme.
 - An eastern canal location avoids residual non listed underground infrastructure.
 - An eastern canal allows better connectivity opportunities across the site.
- 9.190 The profile of the canal has been designed to meet several requirements. British Waterways (BW) has requested that the canal has a clear navigable channel width of 16m, with an additional allowance of 350mm for fendering on each side, and a depth of 5.0m

below the nominal dock water level. The canal was also designed for one way traffic for a design vessel of 45m x 6m. The majority of vessels using the canal are likely to be Dutch barge houseboats. Swept path alignments for the canal have been analysed.

- 9.191 The Jubilee Lines (JL) below the site has a 6m exclusion zone above the tunnels where construction is not permitted without concession from London Underground Ltd (LUL). The canal walls will not enter into the JL exclusion zone.
- 9.192 Three bridges will cross the canal. The bridges are anticipated to be for pedestrian use, with one bridge designed for vehicle loading for emergency and maintenance use. The detailed design of the bridges is yet to be completed and the details are to be addressed through the reserved matters stage. Maximum and minimum envelopes for all the building structures (including bridges) have been considered as part of the application process. Bridges will have to be lifted to allow vessels to pass through the canal.
- 9.193 The canal along the eastern edge of the Community Park is proposed to have a sloping beach to provide opportunities to engage with the water from the Community Park. The beach will consist of a canal wall with a concrete pile cap which varies in level along the canal to create beach areas along the length of the Community Park. A clear line of closely spaced timber fendering is proposed along the line of the canal to prevent boats impacting on the submerged canal wall and separate vessels from pedestrians in the park. A series of chains will also be strung across the fenders to prevent pedestrians from passing beyond the beach into the canal.
- 9.194 An 'island' is proposed behind the canal wall on the western side of the community basin. The island will be surrounded by a shallow pond. A double level of basement will be located behind the canal wall, and the canal wall will be effectively a continuation of the double basement canal wall. Again, fendering will be provided along the canal along with fencing to prevent pedestrians entering the canal.
- 9.195 Two options for capping details are proposed to be used along the canal to match the architectural design behind the wall. Option 1 utilises a timber capping to maintain the appearance of the existing timber walls along Blackwall Basin. Option 2 utilises granite capping stone finish similar to the main Canary Wharf Estate. Further, due to the canals deep water and potential for people to congregate, subsequently permanent fencing, grab chains and ladders are proposed for safety measures. These should be conditioned.
- 9.196 In addition to the canal and main development basement and buildings, additional engineering structures will be required onsite, which form part of the detailed planning application. These will include the Utilities Chamber, providing a connection of utilities (gas, power, fibre optics etc) between the two sides of the development below the canal, and attenuation tanks for stormwater storage and re-use onsite. The Utilities Chamber and attenuation tanks will be buried structures and will not be visible from ground level.
- 9.197 British Waterways will be responsible for the canal maintenance; including the clearing of any canal siltation, which shall be addressed by s106 agreement. A thorough assessment of all shipping risk will be completed during the detailed design stage as well as construction techniques and materials which must be considered and agreed with the Council planning condition.
- 9.198 In principle there are no concerns with the proposed canal design and layout particularly where the applicant has sought to provide three bridge links across the canal to ensure there is no segregation between the east and west banks, which improves upon the WWSPG connectivity principles.

Open Space

- 9.199 The east-west Canary Wharf scaled organising grid has resulted in the provision of small, local scale urban squares and park spaces that run along the entire length of the central east west axis of Canary Wharf. This green axis naturally continues into the Wood Wharf site. The WWSPG concludes that a continuation of this should result in the formation of a central public recreational space at Wood Wharf as well as creating a green route from Prestons Road to Canary Wharf and the public transport interchange.
- 9.200 In considering the WWSPG spatial plan, a central open space and axis on the site would naturally become a town square fronted by tall buildings. This space would be essentially urban in feel, and unlikely to provide the requirement for substantial open green recreational space. Also, the WWSPG massing approach places the highest densities on the western part of the site. The applicant has advised that open space in this location would be problematic as it would compromise overall development potential, which would conflict with London Plan policies.
- 9.201 Given the necessity for a substantial open space on the site in accordance with planning policy, the applicant sited the proposed community park to the east where it was considered that it would provide a buffer and an appropriate transition between the large scale development on the site and the smaller scale existing residential community to the east.
- 9.202 An open space created to the east would not only be able to connect directly to Blackwall Basin, but it would also benefit directly from the eastern flanking graving dock. This eastern location for an open space allows better utilisation by the wider neighbouring community, as well as the residents and office workers on-site. In order to be able to achieve this holistic design approach with maximum benefits and overall site balance, the applicant considered that the buildings in Lovegrove Walk, which did not form part of the original WWSPG area, will need to be removed in order to achieve a location for a substantial public open space. There are currently 29 dwellings at Lovegrove Walk, consisting of 10 town houses and 19 flats. The applicant has confirmed that to achieve the proposal, they have currently acquired 16 units and 7 houses. A further 2 units will be exchanged shortly. They are currently seeking to purchase the remaining dwellings.
- 9.203 It is to be noted that where the applicant does not have freehold and/or leasehold ownership for every parcel of land that makes up the site, the Council will impose a condition to prevent the commence of development for Phases 2, 3 and 4 until non-secured land has been tied into the s106 to secure the comprehensive redevelopment of this site. If the committee are minded to approve the scheme, and the applicant has been unsuccessful in acquiring the full ownership of the site, they may ask the Council to use its powers of Compulsory Purchase, in line with the WWSPG direction. The powers are provided to be used, inter alia, by securing comprehensive redevelopments such as this.
- 9.204 According to policy 3A.15 of the London Plan and CP23 of the IPG, no houses shall be lost without its planned replacement at existing or higher densities. Where the applicant submitted a Certificate C (Cert) and where the proposed demolition of the Lovegrove Walk houses form part of a comprehensive regeneration plan for the Site encompassing up to 1668 units, the proposal is considered to be acceptable within the scope of this application.
- 9.205 The proposed Landscaping and Public Realm Strategy for Wood Wharf identifies that a high quality public realm is especially important in the context of a high density development. The development seeks to achieve this by making best use of the site's natural features and particularly its waterside location and in doing so, the scheme identifies five new character areas within the Wood Wharf site including:

- Western Quarter and Basin – A gateway to Wood Wharf from the west, the built edges of the Western Basin create a water filled ‘Square’ that could accommodate floating structures for events or performances.
- Southern Esplanade – The south-facing aspect allows the best exposure to sunshine making it an ideal area for recreation. The Southern Esplanade could contain marina-type activity with mooring of boats, a promenade and links to the High Street.
- Easter Quarter and Basin – This part of the site comprises residential buildings. The landscaping in this area links the central space between the residential buildings with the canal.
- Blackwall Quarter and Community Park – This character area seeks to create a natural feel, providing a green backdrop to the overall scheme comprising a series of eco islands, Blackwall Dock and a new park.
- Central Quarter – The Central Quarter is located in the heart of the development and comprises the commercial buildings. The landscaping includes two interacting levels, the lower level contains the entrances to retail and community facilities and the higher one includes the High Street and links to the south and north.

9.206 The GLA Stage 1 report states:

“The quality of the public realm is generally of a high quality and allows for the use of imaginative elements and increased access to the water’s edge. The development includes five new bridges. These are crucial to integrate the scheme into the surroundings and their delivery should be conditioned.

The strategy to provide different character water edges and in particular the plans to provide softer and more variegated water edges is line with objectives of the Blue Ribbon Network to provide a varied water environment and to stimulate active use of the water area. The application requires further evidence to guarantee the proposed variety of types of space”.

9.207 Where the scheme is in outline, landscaping details have been reserved. As such, a condition will be imposed to guarantee the proposed quality and variety of types of space is secured. Further, the applicant has identified that weekend and seasonal markets could be provided within the community park or within the western basin, as a floating market, which would benefit the proposed and existing communities. Further details of this are required at the detailed design stage, subject to a market strategy to be conditioned, to ensure any impacts on surrounding residents are minimised.

9.208 The applicant has also advised that the Arts Strategy for Canary Wharf will be extended to cover Wood Wharf, and to include the Community Park. This strategy should also be a condition of development.

9.209 According to the WWSPG, the central landscape area to Wood Wharf east will consist of a densely planted public park and private communal gardens for the exclusive use of residents. Where the proposed open space strategy proposes 5 distinct public realm areas that are greater in size, quality and accessibility than the scheme proposed by the WWSPG, the proposal is considered to be acceptable.

9.210 The applicant has also advised that significant entertainment and event functions would be part of the overall experience of the development. The landscape strategy facilitates this need by providing a number of spaces which could accommodate such events, including temporary floating stages within the western basin and southern esplanade, as well as a pavilion within the Community Park. Whilst landscaping is a reserved matter, given the residential nature of the development and surrounding areas, an events and entertainment strategy should also be submitted to ensure any impacts on these residents will be mitigated.

High Street/Wood Wharf Square

- 9.211 According to the WWSPG, at the centre of Wood Wharf West, the development should incorporate a landscaped urban public plaza, which will lead to the proposed new canal basin, which will form the visual hub of the site and a focus for recreational activity around the waters edge.
- 9.212 The evolution of a central open space was influenced by the reservation required for the Jubilee underground line which generated a need for an east-west axial public space at the heart of the development. This layout sets a framework for development and creates a visual link east-west through Canary Wharf and across to the Isle of Dogs.
- 9.213 The Central commercial space also provides the opportunity to resolve the transition between the two principal levels of the site, with the main High Street facilities at the lower public realm level and the Wood Wharf Square, with cafes, bars, some retail space and green space, at the upper level.
- 9.214 The High Street would provide a principal route through the heart of the site and would link to north south routes and surrounding quaysides. The High Street route network would assure good permeability through the heart of the site and a central focus to the whole urban development.
- 9.215 A central unifying space would provide links to all buildings, could create a central heart and 'Wood Wharf Square' identity, could offer individual addresses and identities to the major commercial buildings, would provide open public space, would provide links to Canary Wharf and its public transportation infrastructure and would connect all secondary spaces to the central public open space at the heart of the scheme.
- 9.216 The GLA stage 1 report states that *"the central quarter comprise generally well-designed open spaces although there is concern that the 'high street' does not allow for easy navigation or future growth of users"* (it is to be noted that Council's design and access officers have not raised the navigation matter raised by the GLA as a concern).

Accessibility and Inclusive Design

- 9.217 The applicant's design and access statement sets out that all homes, except those on split levels, will comply with 'Lifetime Homes' standards, and that 10% of all market housing will be wheelchair accessible. In order to comply with London Plan and Council policies, all the units should comply with lifetime homes standards. The applicant has since confirmed that this can be achieved and will be conditioned appropriately.
- 9.218 In addition, 10% of all housing, across all tenures, including the Hotel development, must be wheelchair accessible or capable of being adapted to be wheelchair accessible. The applicant has confirmed that this can be achieved and will be conditioned appropriately.
- 9.219 The GLA and Council's access officer have advised that the design guidelines should incorporate standards for inclusive design and set out how changes in level are dealt with across the site. This matter has subsequently been addressed in the Design Guideline to be conditioned.

Tall Buildings

- 9.220 As mentioned above, where the proposal reserves Scale, an indication of the upper and lower limits for height, width and length of each building within the site boundary to establish a 3-dimensional building envelope within which the detailed design of the buildings will be constructed, has been provided. The building envelopes proposed are significantly taller than what currently exists on the Wood Wharf site. The appropriateness

and their acceptability is considered against the relevant policy tests below.

- 9.221 Policy 4B.9 of the London Plan states that tall buildings will be promoted where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.10 of the London Plan provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.
- 9.222 Policies CP4, CP48 and DEV27 of the IPG states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a wide range of criteria, which are provided in detail later below.
- 9.223 Policy of the IOD AAP states that the Northern sub-area of the Isle of Dogs will continue to be a location for new buildings and will form a cluster of the tallest buildings found on the Isle of Dogs. New tall buildings should help to consolidate this cluster and provide new landmarks consistent with the national and international role and function of the area. Policy IOD16 states that building heights will respect and complement the dominance of One Canada Square. Heights should be progressively reduced from this central landmark through to the periphery of the Northern sub-area. An effective transition should be made between established buildings and new buildings. Further, the supporting paragraphs to policy IOD16 states that the dominance of the Northern sub-area on the skyline over other areas on the Isle of Dogs should be maintained.
- 9.224 The WWSPG identifies the significance of the iconic 50-storey tower of One Canada Square within the Canary Wharf Estate and Isle of Dogs, creating a landmark building and a high point in massing terms for the surrounding area.
- 9.225 The WWSPG recognises the potential of the Wood Wharf site to accommodate tall buildings and states that the western part of the Wood Wharf site presents the opportunity to consolidate the culture of building heights established at Canary Wharf and complete the outer cluster of tall buildings. The WWSPG emphasises that the scale of commercial development should be compatible with the Canary Wharf estate rather than competing with it.
- 9.226 Distinct building heights are identified within the WWSPG across the site. Within Wood Wharf West, the scale of the development should be compatible with Canary Wharf rather than compete with it, a maximum of 35 storeys will be acceptable stepping down to 16-20 storeys to front the new canal. Within Wood Wharf East, the development should range in scale from 20, 16 and down to a maximum of 6-7 storeys close to Prestons Road to respect the existing low rise residential properties. There is also opportunity for landmark buildings of up to 35 storeys at key positions to act as visual markers.
- 9.227 The maximum heights of the buildings at Wood Wharf range from 33.00m to 206.02m in height. The minimum heights of the buildings at Wood Wharf range from 23.00m to 188.05m in height. The heights of the buildings have been established with regard to the site's context with the taller buildings located to the west of the site towards Canary Wharf and the shorter buildings located to the east of the site. The maximum heights of the proposed towers exceed the indicative heights within the WWSPG.
- 9.228 CABE has raised concern where a scheme of the scale proposed was lodged in outline form. Notwithstanding this, CABE and English Heritage's Guidance on Tall Buildings (2007) states that outline planning applications for tall building proposals are appropriate only when the principle of a tall building is considered to be an important element within a robust and credible masterplan. The principle of tall buildings at Wood Wharf has been accepted in the adopted WWSPG for the site.

9.229 The GLA stage 1 report states:

“The site is in an established cluster of tall buildings and therefore the proposal for tall buildings (on the western side of the site) is fully supported subject to good design, in line with the principles of policy 4B.10 of the London Plan. The concept of design guidelines is supported but they need to be more detailed in order to give certainty of the design quality at the detailed stage.

The strategy for lower heights towards the east is supported, as is the strategy for a finer grain development to the east to allow a gradual transition from the Canary Wharf towers to the existing residential properties west and east of Prestons Road”.

9.230 However, the both the GLA and the Council's design officer raised concerns regarding the design of the eastern residential blocks. In particular, block W13 did not appear to benefit from any semi-private or communal space and is oddly placed within the public realm, resulting in awkwardly shaped space at the southern end of the park. Also, Block W09 was considered to be relatively long (maximum 100 metres), needing to be appropriately designed to minimise the formation of a bland facade. There was also a concern over the relationship of W09 to the Cold Harbour Conservation Area to the east.

9.231 The applicant has submitted further information to address these concerns, which address the following issues:

- Relationship of the residential buildings to the Cold Harbour Conservation Area;
- The design of building W09, including layout and scale
- The treatment of the public realm and amenity related issues, in the context of the building W09 and W13.

9.232 The information submitted was found to be acceptable in addressing the Council's concerns and has been amended to the Design Guidelines to be conditioned.

9.233 Within the body of the ES, a detail views analysis was also undertaken. The ES concludes that the effect of the proposal on the view in long, mid and close range views is generally beneficial. The scale and layout of buildings proposed at Wood Wharf relate well to the existing cluster in the Docklands. The addition of contemporary development was considered to reinforce the character and identity of the Docklands, adding strength to, and reinforcing the existing buildings as a compelling cluster.

9.234 Given the existing cluster of buildings in the Docklands and at Canary Wharf, it is apparent that there is a significant level of existing night time light and illumination in the immediate vicinity. Whilst the Wood Wharf proposal would result in an increase in the level of night time light/illumination, the effect has been assessed at neutral within the ES (the impact upon surrounding residential amenity has been assessed under separate heading).

9.235 In the context of the existing and consented schemes, the scheme does not detrimentally affect the setting of the majority of the conservation area or listed buildings, which form an integral part of the character of the area. Where adverse effects have been identified, these were considered to be slight and mitigation measures have been outlined to minimise these effects (which has been addressed under separate heading within this report, though these generally include high quality design and materials to be used in the façade treatments of the Wood Wharf proposal).

9.236 Policy DEV27 of the IPG (October 2007) provides criteria that applications for tall buildings must satisfy. Considering the form, massing, height and overall design against the requirements of the aforementioned policy, the proposal is considered to be in accordance with the policy as follows:

- The design is sensitive to the site's context, creating continuity with the adjoining tall buildings at Canary Wharf and the low level residential area to the east of the site.
- The architectural quality and final massing of the tall buildings has not been defined. However, the design and access principles and the design guidelines that will be used to develop future details are considered to be of high quality and considerable attention has been given to the building envelopes and the public realm in the context of a fully worked up masterplan.
- The site is located in an area identified for tall building clusters. The proposal is considered to be in line with the tall building principles for the site, established within the WWSPG;
- The townscape impact analysis demonstrates that the proposal would not have any negative impacts on the townscape and would contribute to and compliment the existing Canary Wharf skyline, whilst creating an interesting skyline for Wood Wharf, from all angles;
- An extensive assessment of wider views has been undertaken, including night time effect. It is important to note that the City of London considered that the proposed development will be seen in views as an integral part of the cluster of towers at Canary Wharf and therefore it will not raise any new view protection issues.
- The site forms a backdrop to the London panorama from Greenwich Park to Central London. Where the cluster of Canary Wharf is identified as a positive contribution to this Panorama, the consolidation of this cluster with new tall buildings at the Wood Wharf site will positively enhance the composition of the cluster.
- The scheme is not considered to compromise the setting of the Conservation Areas or the Maritime Greenwich World Heritage site and whilst the scheme will effect the listed dock walls, the impact is considered to be a positive contribution.
- The scheme provides adequate, high quality and usable amenity space that will meet the needs of the proposed residential and working population, as well as contributing to the needs of the surrounding residential community on the Isle of Dogs;
- The environmental statement submitted demonstrates that the environmental impacts (e.g. micro-climate, ecology, flood risk, sunlight/daylight, etc) are acceptable and appropriately mitigated where the proposal has any adverse impact.
- The proposals demonstrate consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management;
- The mix of uses proposed are considered appropriate and will contribute positively to the social and economic vitality of the surrounding area;
- The site is located in an area with good public transport accessibility. The proposal takes into account the transport capacity of the area and includes an appropriate S106 contribution towards transport infrastructure, to ensure the proposal will not have an adverse impact on transport infrastructure and transport services;
- The proposal incorporates the principles of inclusive design whilst securing high standard of safety and security for future users of the development
- The proposal improves the permeability of the site and movement of people from the eastern periphery of the northern sub-area through to Canary Wharf. The scheme contributes to the provision of high quality pedestrian and cycle routes.
- The proposal maximises the use of the sites unique water location, through the appropriately siting of both office and residential buildings and public realm; benefiting from the amenity value;
- Complies with the residential density policy requirements to maximise housing density given the sites central location;
- conforms with Civil Aviation requirements; and
- Will not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.

9.237 It is to be noted that CABE has advised that given the outline nature of this submission commenting on the impact of the series of towers remains a difficult task. They have advised that whilst they have confidence that a high standard of development will be

delivered, they wish to reserve their overall judgment until detailed schemes are worked up.

- 9.238 On balance, the development is considered to comply with regional and local planning policy and guidance on tall buildings.

Archaeology and Built Heritage

- 9.239 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building or Conservation Area to have special regard to the preservation of the setting of the listed building or Conservation Area, as the setting is often an important part of the buildings or areas character.
- 9.240 Policy 4B.11 of the London Plan seeks to protect and enhance London's historic environment. Further, Policy 4B.12 states that Boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character. Policy 4B.15 of the London Plan supports the identification, protection, interpretation and presentation of London's archaeological resources. The policy states that the Mayor expects boroughs and others to use appropriate tools to manage the historic environment, including character appraisals and conservation plans.
- 9.241 Policy DEV37 states that where alterations to listed buildings are proposed, these will be expected to preserve the special architectural or historic interest of the building. These should endeavour to retain the original plan form and any architectural features. Should allow for recording of the building by a professional and be carried out using traditional materials.
- 9.242 Policy DEV42 states that development which adversely affects nationally important archaeological remains, will not be permitted. Policy DEV43 states that development which affects any locally important archaeological site or remains may be permitted depending upon the importance of the archaeological remains, the need for the development and measures proposed for the protection, enhancement and preservation of the site. Policy DEV44 seeks to ensure that the permanent preservation in situ of nationally important remains will normally be required.
- 9.243 Policy CON1[1] of the IPG states that planning permission will not be granted for development which would have an adverse impact upon the setting of a listed building. Further, CON2 states that development that would affect the setting of a Conservation Area, will be granted only where it would preserve or enhance the special architectural or historic interest of the Conservation Area. CON3 seeks to protect world heritage sites
- 9.244 The IPG recognises that archaeological remains can easily be destroyed in the development process. Policy CON4 states that the Council will require nationally important remains to be preserved permanently in situ, subject to consultation with English Heritage. All development proposals affecting sites of known archaeological interest will be required to submit an archaeological assessment. CON5 seeks to protect important local and strategic views.
- 9.245 According to the WWSPG, in determining any proposals for Wood Wharf it will be necessary to ensure that the development is not detrimental to the character or appearance of the Conservation Area, nor to the Listed structures and their settings.'
- 9.246 As mentioned earlier in this report, no part of the development is located in a conservation area. However, the main conservation policy issues arise from the presence of the Cold Harbour Conservation Area, which lies to the east of Prestons Road, and the Grade 1 listed Blackwall Basin and the Grade 1 listed West India Dock East Quay. Consideration must also be given to the Maritime Greenwich World Heritage Site, located to the south of Isle of

Dogs, which is the closest World Heritage site to Wood Wharf.

- Conservation Areas

9.247 There are a number of conservation areas to the north and east of the site. The following conservation areas have been assessed in detail where concerns have been raised over the potential impact from the proposed development.

Cold Harbour Conservation Area

9.248 According to the Conservation Area Character Appraisal & Management Guidelines (Adopted 7 March 2007), the Cold Harbour Conservation Area was designated in December 1975. It includes the two entrances into the Millwall and Blackwall Dock Basins and survives as one of the last examples of the narrow streets which once characterised the river's perimeter. Coldharbour retains much of its original maritime character, its narrow 'corridor' preserved by appropriate new residential development to the west, and the sensitive redevelopment of surviving historic buildings. The scale of the 'new' residential development along the western edge of Coldharbour has contributed to the historic sense of enclosure, replacing buildings of a similar scale on narrower plots. The setting of the Conservation Area, however, has been altered by the high-rise development surrounding it.

9.249 According to the cultural heritage assessment within the ES, the applicant contends that there are six listed buildings still standing on the eastern side of the street, surrounded by recent new residential development which screens views to and from the listed buildings. Views into and out of this part of the conservation area are limited to those looking west from the Gun Public House and west up Managers Street onto the development site.

9.250 The setting of the Coldharbour Conservation Area is currently characterised by the River Thames to the east, the Wood Wharf business park to the west and residential and light industrial uses to the north and south. Remnants of historic dock yard serve as a reminder of the original use of the area at the entrance to Blackwall Basin and the entrance to the South Dock.

9.250 The visual impact on views in and out of Coldharbour Conservation Area was assessed within the ES. The assessment states:

Although the Docklands cluster (Canary Wharf) is visible in the background, as a result of its distance and orientation, it does not appear overly bulky and out of scale with these residential buildings. The location of these buildings in the background provides a contemporary setting and context for the Docklands. The low level of buildings on the street, and the distance to the cluster results in a relatively open environment above the roof line.

The proposed buildings rise immediately behind the western end of the street, and dwarf the terraced row. A sense of enclosure now fills this end of the view.

The proposal is situated such that it is now the dominant element in this view and along this street, and appears out of character with the terraced row...the setting of the conservation area is significantly effected by the proposal, which is at a discordant scale to the existing form. The same is applicable for the Listed Buildings whose setting has been materially effected.

9.251 The applicant assessment concludes that the Coldharbour Conservation Area and its listed buildings will be affected by new buildings on the development site due to the proximity of the area to the development site. However, the applicant contends that the proposed development will have no physical effect upon the character of the conservation area,

where the effects are limited to the visual presence of the buildings on views from the conservation area to the west which are considered to be limited and not making a significant contribution to the overall character of the conservation area.

- 9.252 In view of this conclusion, careful consideration must be given to the expert opinion of received from Statutory consultees. English Heritage has raised no objection to the proposal's impact upon the conservation area. CABE provides no comment on the relationship between the development and the conservation area. The GLA stage 1 report states that:

"The site is also located adjacent to a number of conservation areas. Considering the scale of development already existing in the area, it is anticipated that the impact will be limited and that the setting of the listed buildings and conservation area is preserved and in many cases would be enhanced".

- 9.253 It must be noted that the WWSPG sets out in principle height parameters for tall buildings adjacent to the Coldharbour Conservation area. The parameters stipulate a building height range between 7-10 residential storeys, with a landmark residential building of up to 35 residential storeys within 80 metres of the Conservation Area. The proposed scale parameters for W09 height is between approximately 10 to 23 residential storeys.
- 9.254 The Councils Design and Conservation team originally raised concern over the impact of W09 upon the setting of the Conservation Area given the extreme variance in the minimum and maximum height dimensions. The affect of the minimum dimensions was considered acceptable, however the concerns extended to the effect of the maximum dimensions. The applicant has sought to address this matter through the provision of design options for this building, to be conditioned within the Design Guideline. The further information has shown that the building is capable of being designed to mitigate any impact upon the conservation area. In response, the design and conservation department has confirmed that the proposed interface between the development and the conservation is now acceptable subject to the conditioning of the Design Guideline. The scheme is therefore, on balance, considered in terms of its impact on the Coldharbour conservation area acceptable.

Cold Harbour Conservation Area Extension

- 9.255 An extension of the Coldharbour Conservation area is proposed incorporating part of Manchester Road and Preston's Road. Whilst the amendment has not yet been adopted, the applicant has undertaken two views analysis over this area. The impact of the development upon the view from Manchester Road/Samuda Estate was found to be moderate, with no mitigation measures required. However, the impact of the development upon the view Preston's Road/Stewart Street requires mitigation measures. This is due to the close proximity of the development to the rear of the row of houses along Preston's Road, which fall within the proposed conservation boundary. The mitigation measures include high quality design and materials to be used in the face treatments. This matter has been addressed within the design guideline.

St Matthias Church Conservation Area

- 9.256 Concern has been raised that the proposal may have an impact upon St Matthias Church Conservation Area, where the development is located in the background of the St Matthias Church (Grade II*). However, the applicant has advised that the ES has assessed the visual impact of the maximum building extents and concludes there is no harm to the conservation area. The setting of St Matthias Church does not extend to the Wood Wharf site and no impact has been identified on its setting. The church is already viewed with modern, tall buildings in the background with no detrimental impact. The Wood Wharf proposal, although appearing behind the spire in a single view of the ES will not appear behind the spire in any other of the multiple views within the recreation ground surrounding

it. Where English Heritage or the GLA has not raised this as a concern, it is considered that there will be no impact upon the setting of the conservation area.

All Saints Conservation Area

- 9.257 Concerns have also been raised that the proposal may have an impact upon this conservation area. The proposed development will change some views from within the churchyard of the All Saints Church. There are currently glimpsed views toward the development site from this Conservation Area and listed church. The effect is assessed as being slight adverse due to the scale and modern design of the buildings being viewed at the same time as the church. It is assessed as slight because only a limited number of views will be affected and the presence of modern development in a long distance view will not detract from the listed church or the character of the All Saints Conservation Area. Mitigation measures include high quality design and façade detail to the proposed buildings.

Naval Row Conservation Area

- 9.258 Views from Naval Row Conservation Area, to the northeast of the Wood Wharf site, would change as a result of the proposal. However, the setting of the conservation area and its listed buildings were found not to be detrimentally compromised by the proposed development, particularly where the view to the south has already been compromised by the DLR track and Canary Wharf

- Listed Buildings

- 9.259 There are a number of listed buildings located outside the site boundary in proximity of the site, those closest to the site boundary have been assessed within the ES and are listed below. The architectural and historic importance of the surrounding listed buildings is varied. Overall the buildings are all associated with the working of the Docks and so have some intrinsic link with the area and its industrial heritage. Those buildings located within 400m of the development site have been specifically assessed within the ES. Broadly, it was found that the settings of these buildings are limited.
- 9.260 Notwithstanding, the Gun Public House (Grade II) is located in a slightly more exposed position than others within the Coldharbour Conservation Area. As such, although its immediate setting will not be affected by the proposed development its wider setting and views will change considerably. This effect is assessed in the ES to be slight adverse as the clearing of prefabricated warehouses will improve views from the building but the erection of substantially taller buildings may cause an adverse effect upon views from the listed building that outweighs the improvement of the view from the clearing of the warehouses (the impact of this and how it will be mitigated is addressed above).
- 9.261 The primary matters to be dealt with relate to the effect of the proposals on the Grade I listed Blackwall Basin and its setting and the effect upon the Grade I listed West India Export Dock (East Quay) and its setting.
- 9.271 Listed Building Consent is being applied for in order to alter these Grade 1 listed buildings and has been addressed under a separate section of this report (PA/08/1218 and PA/08/1238)
- 9.272 Part of the proposals involve altering the dock wall in order to accommodate a new canal opening to the eastern side of the southern bank and the replacement of some capping stones in order to stabilise the dockwall and maintain a watertight structure. The assessment considers that the structural integrity of the Blackwall Basin will not be compromised by the proposals.

9.273 The affect of the proposed development on the setting of the listed docks in general is assessed as positive. The applicants Cultural and Heritage Report considers that the area will be enhanced by the new development and will allow for greater integration with the structures by the public.

9.274 The GLA Stage 1 report considers that:

A conservation-led approach has been devised in order to preserve as much of the existing fabric as possible, and to retain the industrial character of the dock edge. Marine artifacts will also be retained and reused as much as possible to preserve the detailed character and appearance of the dock edge.

9.275 English Heritage have advised that

“the new park...and the boardwalk type structures proposed on the southern and western edges of the Wood Wharf development (which oversails the edge of the Grade I structure and crosses over the water) will improve the experience of workers, residents and visitors, as well as providing a link with the main body of Canary Wharf.

9.276 Notwithstanding this, EH raised concern with the proposed 'Eco Islands' within the Grade I listed Blackwall Basin. They state:

“The Basin is a hard edged space which is one of the most important historic docks in Britain; its industrial character is of huge significance. We feel that the proposed tree and vegetation covered 'Eco Islands' are inappropriate as they would significantly detract from that historic character and therefore we cannot support this aspect of the proposal”.

9.277 The eco-islands within the basin are required to incorporate habitat for nature conservation purposes (as detailed later in this report). In response to EH concerns, it is to be remembered that the landscaping of these islands has been reserved and the applicant has advised that they will work with English Heritage at the detailed design stage to ensure the final landscaping and materials used will be sensitive to the setting of the dock wall. Also, the scale of the islands is currently based on the maximum envelopes. The final design will be addressed at the detail stage, in consultation with EH.

9.278 Further, it would appear to be difficult to justify that the proposed structures within the basin will detract from the historical character of the Basin, when considering the historical appearance of the Basin, which essentially was a large pond surrounded by a small number of low rise dock side industrial warehouses. Today, the Basin is surrounded by mid rise residential developments. The Basin also contains a number of permanent private residential moorings that take up an area that is greater than the proposed islands.

9.279 It is to be remember that English Heritage has not objected to the demolition of the warehouses on site which represent the last remnants of the historical industrial character of the Basin, apart from the dock walls. If the setting of the listed walls were to be considered on there own merits, apart from the surrounding area, it must also be remembered that EH are not objecting to the impact of the scheme upon the Grade 1 listed West India Dock walls, which the development will extend over and obscure from view. In contrast, the proposed structures within Blackwall Basin will provide greater opportunity for the public to view and appreciate the listed wall. As such, a refusal based on the comments made by English Heritage in relation to impact of the eco-islands upon the historic character of the Basin is not, on balance, supported.

- 9.280 • Cranes
- 9.281 There are three electric cranes located to the south of the site, adjacent to the South Dock, which are to be retained. According to the WWSPG, development proposals should demonstrate a positive relationship to the cranes in terms of height, setting and setback.
- 9.282 Objection has been received where the development would substantially block views of the cranes from Prestons Road. It must be noted however that the proposed height and setback of the proposed development generally reflects the principles within the WWSPG. Where the development proposals have been designed to ensure a positive relationship the scheme is considered acceptable. Officers are of the opinion that the proposals have considered the relationship and it is acceptable.
- Maritime Greenwich World Heritage Site
- 9.283 Greenwich Park is part of Maritime Greenwich and a Grade I registered park. It is characterised by extensive open space in the foreground, where the formality and symmetry of the park comes into relationship with Greenwich Palace.
- 9.284 As mentioned earlier in this report, the representatives for the Maritime Greenwich World Heritage Site are objecting to the scheme where they are of the opinion that the skyline is not acceptable as a setting for Maritime Greenwich World Heritage Site.
- 9.285 In accordance with London Plan Policy 4B.16 and 4B.18, the site is identified within the London View Protection Framework SPG - London Panorama: Greenwich Park. According to the SPG, the elevated parts of Greenwich Park provide good views of London, where there are two assessment points of importance within this panorama of the city. One is the orientation board at the General Wolfe statue overlooking the Queen's House – looking towards St Paul's Cathedral. The other is north east of the statue – looking towards St. Paul's Cathedral.
- 9.286 The Strategically Important Landmark from both of these points of reference is St Paul's Cathedral. Other landmarks are the buildings and elements of Greenwich Maritime, the Greenwich Observatory, the Millennium Dome, the Monument, and Tower Bridge that are important aspects of these views. Other prominent buildings and structures include the Canary Wharf group of towers that stand to the east of the principal focus of the view.
- 8.287 The Protected Vista has an asymmetrical Viewing Corridor encompassing the western towers of St Paul's cathedral.
- 8.288 What is important to note here is that the cluster of Canary Wharf is identified as a positive contribution to this Panorama. In fact, the London View Protection Framework SPG states that the Mayor will encourage incremental consolidation of the existing Canary Wharf clusters with new tall buildings of appropriate height and of exceptional architectural design quality where this positively enhances the composition of the cluster. As mentioned above, the GLA Stage 1 report notes that the design approach is well conceived and broadly in line with London Plan policy. Further, the WWSPG identifies that the Wood Wharf site is suitable for tall buildings that consolidate the cluster and existing skyline of Canary wharf.
- 8.289 Also, in line with the London View Protection Framework SPG, a Qualitative Visual Assessment was provided within the Environmental Statement to assess the visual impact of development on this panoramic view. The ES identified the magnitude of change to the Panorama to be moderate, attributing a beneficial change. It is to be noted that there was no Regulation 19 response required on this matter.

- Archaeology

- 8.290 The site is not located within an Archaeological Priority Zone as defined on the Borough's Unitary Development Plan Proposals Map.
- 8.291 The applicant's cultural and heritage assessment demonstrates that nationally important remains of the original dock structure between the Blackwall Basin and the West India Export Dock is unlikely to survive. However, the proposed development is still likely to affect significant industrial archaeological remains and evidence of prehistoric occupation which can be preserved in the deep alluvial deposits below the site.
- 8.292 English Heritage has advised that prior to construction, archaeological field evaluation is still required to determine the degree to which archaeological material will be affected by redevelopment. In addition the proposed development is likely to effect industrial archaeology which survives as buildings or structures, both listed and unlisted. Preservation by record is required to mitigate the impact of any alterations/demolition.
- 8.293 Having undertaken a full assessment of the archaeological and cultural heritage potential of the site, measures have been identified for the satisfactory accommodation of any archaeological or cultural heritage constraints within the context of the redevelopment proposals.
- 8.294 The proposal is therefore considered to be appropriate in accordance with PPG15, the London Plan and the IPG.

Safety and Security

- 9.295 In accordance with DEV1 of the UDP 1998 and DEV4 of the IPG, all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 9.296 The Metropolitan Police have advised that the proposal has been designed well with the idea of Crime Prevention and Secured by Design. The layout, and particularly the access through out the development to/from Canary Wharf and Prestons Road is open, allowing good observations by users of the proposed development, as well as passers by.
- 9.297 The main issue raised however, concerns the management of the public spaces to ensure a secured environment is maintained through the life of the development, including good lighting, CCTV and a managed environment at least to the same standards as Canary Wharf.
- 9.298 The applicant has submitted an estate management plan that seeks to address these issues. The plan will be secured by s106 agreement.

Blue Ribbon Network

- 9.299 According to the London Plan, the Blue Ribbon Network is spatial policy covering London's waterways and water spaces and land alongside them. As mentioned previously, the site is surrounded by water. There is however currently poor public access and little positive use of the water's edge as a public amenity.
- 9.300 The proposal seeks to greatly increase access and activities at the water's edge and in the docks, offering great opportunities to connect employees and residents together with the public with the water's edge in innovative ways. The development includes provision for a new canal, landscaped boardwalks, pedestrian bridges, piers, mooring points and amenity islands which provide new water based floating public realm. Further to this, there are three residential buildings containing leisure uses at ground floor that are proposed to

merge into the water space, to take advantage of the amenity value. These elements are considered to be a positive contribution to the waterside realm which would significantly enhance the dock water space and the overall water based amenity.

9.301 Given the size of the scheme, there are a number of Blue Ribbon Network policies within the London Plan that relate to the scheme:

9.302 Policy 4C.6 of the London Plan encourages uses of the Blue Ribbon Network and land alongside it to be prioritised in favour of those uses that specifically require a waterside location with Policy 4C.10 seeking to protect and promote facilities for sport and leisure.

Policy 4C.3 seeks to protect and enhance the biodiversity of the Blue Ribbon Network. It states that developments into the water will only be allowed in exceptional circumstances where they add to London's world city status.

Policy 4C.11 encourages boroughs to protect and improve existing access points to, alongside and over the Blue Ribbon Network. New sections to extend existing or create new walking and cycling routes alongside the Blue Ribbon Network as well as new access points should be provided as part of development proposals for Opportunity Areas.

Policy 4C.14 seeks to protect the unique character and openness of the Blue Ribbon Network and requires proposals for new structures to be accompanied by a risk assessment detailing the extent of their impact on navigation, hydrology and biodiversity, and mitigation measures.

Policy 4C.15 seeks to ensure existing and new safety provision is provided and maintained.

Development proposals adjacent to canals should be designed to respect the particular character of the canal to reflect London's rich and vibrant history (Policy 4C.20). Policy 4C.23 (Docks) promotes the vitality, attractiveness and historical interest of London's remaining dock areas by promoting their use for water recreation and promoting their use for transport.

9.303 Policy DEV46 of the adopted UDP seeks to promote and protect the contribution that river corridors make towards nature conservation, recreation, recreation and tourism. Policy DEV48 requires new developments with water frontage to provide a walkway. DEV49 seeks to prohibit structures in or over canal or dock areas unless they will lead to an increase the waterways recreational use.

9.304 The IPG recognises that the River Thames and other water areas are an important part of Tower Hamlets' history and character. Policy CP36 seeks to protect existing waterways and the river frontage for nature conservation, biodiversity, and appropriate recreation, transport and tourism purposes. Extensions and access improvements to waterside walkways and the river frontage will be promoted.

9.305 According to Policy 4C.14 of the London Plan, DEV49 of the UDP and OSN3 of the IPG, any development within the water space requires justification and an assessment of its impact on hydrology, biodiversity and navigation, and the required mitigation measures. Overall, in policy terms, the key considerations have been addressed as follows:

- Water Space

9.306 The scheme involves the introduction of a new canal and therefore new water space. Significantly, this means that there is no net loss of open water arising from the development proposals, conversely there is the creation of additional open water space even taking account of the new permanent basement and piles of the proposed three new

residential buildings in the south west of the site.

9.307 In terms of the scheme as a whole, the proposed encroachment into the waterspace, contrary to Policy 4C.14, of the three residential buildings and floating public realm in the water is considered to be acceptable in the context of the creation of the new canal, which negates any potential impact arising from the built development as there will be no net loss of water space. The docks have been reconfigured at every stage in their history, as they have evolved to meet the needs of each new generation. The proposal seeks to optimise their contribution to the amenity of the new development for recreation and tourism.

- Design

9.308 According to Policy 4C.3 of the London Plan, when considering development in the water space, the Wood Wharf development is considered to be a “truly exceptional case which adds to London’s World City status”. Further, the Wood Wharf scheme will be a world-class development of high design quality, in accordance with Policy 4C.20 of the London Plan. The benefits of the scheme therefore need to be considered in a holistic way.

- Safety

9.309 Bringing people closer to the water and encouraging more water related activity presents levels of risk that must be assessed and managed. The provision of unrestricted public access around all of the water space is a major objective, one which must be balanced with the functional and operational aspects of water space activity and the potential for boat moorings.

9.310 The interface between land and water is intended to be as open and unrestricted as possible, within acceptable safety limits. Barrier provision will be a necessary aspect of user safety, although opportunities to minimise its impact will be explored; use of lightweight structures, the potential to avoid barrier provision at appropriate locations and the manipulation of landform to provide unrestricted views are just some of the ways that the relationship between development and water space can be enhanced. This will be addressed at the reserved matters stage.

- Extent of dock edge

9.311 Building into the water allows for a considerable extension of the dockside edge and the maximisation of interaction with it. Currently there is no access to the dock edge and there is limited public benefit arising from the site’s waterside location. The scheme will open up the dock edge to the public, which will be secure by s106 agreement.

- Access

9.312 The Blue Ribbon policies seek to increase access alongside the Blue Ribbon Network, particularly for new walkways and cycle routes. Where the site does not allow access to the water’s edge, the proposed scheme would allow maximum access to it. The interface between the quayside and water will be invigorated through the use of boardwalks and landscaping to provide access for dockside restaurants, cafés and shops. The reconfiguration of the water space seeks to fully integrate the dock with the development in a way that would not be possible if all of the buildings and the public area were rigidly confined to the existing land area. This would be a major benefit to the existing and new community.

9.313 CABE has raised concern where there is no access to South Dock for residents on the eastern portion of the site. However, this area is a working lock and its immediate surrounding quays are out of bounds to the public for reasons of safety. The north lock side is used for controlling live ship movements, manoeuvring large warps and hawsers

manually and by mechanical means. This position has been confirmed by British Waterways in consultation with the Council.

- Use of water

9.314 The Wood Wharf scheme allows for significantly increased activity levels around the water space. The proposal allows for increasing levels of leisure and recreation use in accordance with Policy 4C.10. Also, the development allows all Londoners the opportunity to use, enjoy, work and live near water spaces, which will be enhanced and made more visually appealing. The proposals allow for new mooring opportunities and support facilities such as mooring sites and posts and other stopping places, can be incorporated. It is to be noted that the mooring facilities are currently indicative only and will be subject to detailed planning permission.

9.315 Policy 4C.13 provides direction for the provision of moorings. Whilst not applied for, the principle for moorings in this area is supported and will be subject to planning permission.

- Biodiversity

9.316 In accordance with Policy 4C.3, the Wood Wharf Scheme will provide a net gain in area of the dock wall/piles available for colonisation by macro-invertebrates. Also, the introduction of eco-islands will provide a substantial area for new habitat creation, particularly for black red starts and other bird species. Public access to the eco-islands must be secured.

- Hydrological/flood issues

9.317 There will be no detrimental impact in terms of hydrological/flood issues arising from the proposals, which has been addressed under separate heading.

- Enhance the setting of historic features of the water spaces

9.318 The landscape proposal provides a scale of spatial design and detailing appropriate to the historic dockland environment.

- Navigation

9.319 The waterspace design and navigation considerations were analysed in consultation with British Waterways. British Waterways has advised that the proposed structures placed in the water around the periphery of the Wood Wharf estate should not be at significant risk from vessels navigating the adjacent water space(s).

Amenity

Sunlight/Daylight

9.320 The scheme includes a number of tall buildings which must be considered in the context of their impact on daylighting and sunlighting on existing and proposed new buildings.

9.321 Policy 4B.10 of the London Plan refers to the design and impact of large scale buildings and includes the requirement that in residential environments particular attention should be paid to privacy, amenity and overshadowing.

9.322 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.

- 9.323 Policy DEV1 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 9.324 The WWSPG recognised that the scale of development at Wood Wharf will result in some impact on normally accepted standards for sunlight and daylight.
- 9.325 The applicant submitted a Daylight and Sunlight report which looks at the impact upon the daylight, sunlight, overshadowing, solar glare and light pollution implications of the development upon itself and on neighbouring residential properties.
- 9.326 There are a number of commercial properties surrounding the site. Properties of this nature will have a lower requirement for natural lighting as they are thought to have a greater reliance upon supplementary electric lighting. The daylight and sunlight assessments therefore focus upon the closest surrounding residential properties. The following properties were assessed, particularly in response to objections received and where they were considered to represent worst case scenarios:

1-52 Antilles Bay
9 – 19 & 44 – 60 Coldharbour
1-22 Concordia Wharf, Coldharbour
1-18 Dollar Bay
1 – 15 Horatio Place
1 – 43 Lancaster Drive
12 – 18 Landons Close
1 – 114 Meridian Place
116 – 417 Poplar Dock
71 – 101, 416, 607 and 613 – 615 Prestons Road
1 – 67 Stewart Street
1 – 21, 29 – 38 Vantage Mews

- 9.327 A number of properties were originally 'scoped out' of the Environmental Statement. These were originally not included due to their distance from the site, their orientation or the aspect of their windows. The expectation being that the buildings would fall within the level of change considered unnoticeable to the occupants and by reference to the BRE Guidelines given the aforementioned circumstances. However, in accordance with Regulation 19 of the Environmental Impact Assessment Regulations, the Council requested the following additional properties to be analysed:

- 35 – 49 Coldharbour
- 50 – 56 Coldharbour
- 24 – 28 Vantage Mews
- 1 – 5 Coldharbour
- Lewis House, Cold Harbour
- Kintyre House, Coldharbour
- 1 – 14 Bridge House Quay
- 1 – 5 Landons Court
- Arran House – 1 – 22 Prestons Road

1. Daylight and Sunlight Assessment: External Assessment

- 9.328 The BRE guidelines provide three main methods of calculation for daylight. The first is known as the Vertical Sky Component (VSC) method which considers the potential for daylight by calculating the angle of vertical sky at the centre of each of the windows serving the residential buildings which look towards the site. This is a more simplistic approach and

it could be considered as a “rule of thumb” to highlight whether there are any potential concerns to the amenity serving a particular property.

- 9.329 The second method is the No-sky Contour method, which is used to plot the areas within a room, which cannot see any visible sky through a window opening taking into account the room layout, window sizes and positions and any external obstructions. This method is used to calculate the reduction in daylight distribution as a result of a new development.
- 9.330 The third method of calculation is the Average Daylight Factor (ADF). This is a more detailed and thus more accurate method which considers not only the amount of sky visibility on the vertical face of the window, but also the window size, room size and room use. Where dimensions of the room to be assessed are available this is the best method of assessment.
- 9.331 The recommended ADF daylight factor level for dwellings are:
- 2% for kitchens;
 - 1.5% for living rooms; and
 - 1% for bedrooms.
- 9.332 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH, including at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.
- 9.333 If the available sunlight hours are both less than the amount given and less 0.8 times their former value, either the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight.
- 9.334 The results of the assessment demonstrate that the majority of the neighbouring windows and rooms assessed within the existing properties will comply with the VSC, NSC, ADF and APSH guidelines.
- Baseline Assessment
- 9.335 For the baseline assessment the daylight and sunlight conditions for each residential property have been assessed with the existing buildings on the site in place. This baseline condition has been assessed using VSC, ADF, NSC and APSH methods, the results of which can be found below:

Address	Total that meet VSC Criteria (>27%)	Total no. of rooms that receive NSC in excess of 50%	Total no. of rooms that meet ADF criteria or in excess of 1.5%	Total no. of windows that meet APSH criteria
1-52 Antilles Bay	59 of 92 (64%)	80 of 80 (100%)	74 of 80 (93%)	N/A
9-19 & 44-60 Coldharbour	51 of 147 (35%)	99 of 103 (96%)	41 of 103 (40%)	19 of 21 (90%)
1-22 Concordia Wharf, Coldharbour	22 of 37 (59%)	25 of 33 (76%)	20 of 33 (61%)	1 of 4 (25%)
1-18 Dollar Bay	29 of 46 (63%)	35 of 35 (100%)	32 of 35 (91%)	6 of 6 (100%)
1-15 Horatio Place	9 of 10 (90%)	10 of 10 (100%)	0 of 10 (0%)	N/A
1-43 Lancaster Drive	95 of 261 (36%)	153 of 153 (100%)	98 of 153 (64%)	132 of 236 (56%)
12-18 Landons Close	6 of 22 (27%)	13 of 13 (100%)	5 of 13 (38%)	3 of 8 (38%)
1-114 Meridian Place	207 of 359 (58%)	194 of 207 (94%)	126 of 207 (61%)	41 of 119 (34%)
116-417 Poplar Dock	193 of 571 (34%)	447 of 462 (97%)	423 of 462 (92%)	265 of 438 (58%)
71-101, 416, 607 & 813-815 Prestons Road	67 of 118 (57%)	87 of 96 (91%)	48 of 96 (50%)	11 of 36 (31%)
1-67 Stewart Street	8 of 39 (21%)	19 of 24 (79%)	10 of 24 (42%)	9 of 9 (100%)
1-21, 29-33-38 Vantage Mews	67 of 82 (82%)	78 of 78 (100%)	44 of 78 (58%)	18 of 18 (100%)
Total	813 of 1784 (46%)	1240 of 1294 (96%)	921 of 1294 (71%)	505 of 895 (56%)

9.336 Given the open nature of the site, the baseline conditions for daylight and sunlight provision for the surrounding properties are, on the whole, within the guidelines set out by the BRE. Where there are balconies above windows and overhangs from eaves, and where the site is more densely built up, the sunlight and daylight values are reduced and, in a number of cases, the BRE criteria is not met. This, combined with the fact that the site is currently underdeveloped, suggests that any obstructions introduced to the site will have some degree of effect to the surrounding properties.

- Impacts on Neighbouring Properties

9.337 The following table represents the VSC analysis from the applicants ES

ADDRESS	Total that Meet BRE Guidelines	Below BRE Guidance				Total	Total No. of Windows
		20-29.9% Loss	30-39.9% Loss	>40% Loss			
1-52 Antilles Bay	4	9	41	38	88	92	
9-19 & 44-60 Coldharbour	138	5	0	4	9	147	
1-22 Concordia Wharf, Coldharbour	37	0	0	0	0	37	
1-18 Dollar Bay	25	13	6	2	21	46	
1-15 Horatio Place	10	0	0	0	0	10	
1-43 Lancaster Drive	116	23	38	84	145	261	
12-18 Landons Close	13	2	4	3	9	22	
1-114 Meridian Place	211	13	27	108	148	359	
116-417 Poplar Dock	350	75	43	103	221	571	
71-101, 416, 607 & 613-615 Prestons Road	68	24	15	11	50	118	
1-67 Stewart Street	27	2	5	5	12	39	
1-21 & 29-38 Vantage Mews	67	14	1	0	15	82	
Total	1066	180	180	358	718	1784	

9.338 The following table represents the NSC analysis from the applicants ES

ADDRESS	Total that Meet BRE Guidelines	Below BRE Guidance				Total	Total No. of Rooms
		20-29.9% Loss	30-39.9% Loss	>40% Loss			
1-52 Antilles Bay	44	27	7	2	36	80	
9-19 & 44-60 Coldharbour	95	7	1	0	8	103	
1-22 Concordia Wharf, Coldharbour	30	3	0	0	3	33	
1-18 Dollar Bay	32	0	1	2	3	35	
1-15 Horatio Place	9	1	0	0	1	10	
1-43 Lancaster Drive	108	21	16	8	45	153	
12-18 Landon's Close	13	0	0	0	0	13	
1-114 Meridian Place	189	7	2	9	18	207	
116-417 Poplar Dock	435	13	13	1	27	462	
71-101, 416, 607 & 613-615 Prestons Road	50	30	8	8	46	96	
1-67 Stewart Street	13	8	2	1	11	24	
1-21, 29-38 Vantage Mews	75	3	0	0	3	78	
Total	1093	120	50	31	201	1294	

9.339 The following table represents the ADF analysis from the applicants ES

ADDRESS	> 2%	1.5 - 1.99%	1.0- 1.49%	0.5- 0.99%	< 0.49%	Total No. Rooms	Total Below 1.5%	Total Above 1.5%
1-52 Antilles Bay	13	14	19	34	0	80	53	27
9-19 & 44-80 Coldharbour	34	15	35	12	7	103	55	48
1-22 Concordia Wharf, Coldharbour	2	12	15	4	0	33	19	14
1-18 Dollar Bay	26	6	0	3	0	35	3	32
1-15 Horatio Place	0	0	1	8	1	10	10	0
1-43 Lancaster Drive	53	18	27	44	13	153	83	70
12-18 Landons Close	3	1	2	6	1	13	9	4
1-114 Meridian Place	37	19	57	66	28	207	151	56
116-417 Poplar Dock	303	65	68	14	14	462	94	368
71-101, 416, 607 & 613-615 Prestons Road	31	12	12	13	28	96	53	43
1-67 Stewart Street	4	5	4	2	9	24	15	9
1-21, 29-38 Vantage Mews	23	17	16	22	0	78	38	40
Total	529	182	254	228	101	1294	583	711

9.340 The following table represents the APSH analysis from the applicants ES

ADDRESS	Total that meet BRE Guidance	No. of windows below the APSH stated in BRE Guidance								Total No. Windows
		% Below threshold for Winter APSH				% Below threshold for Total APSH				
		20 - 30%	30 - 40%	>40%	Total	20 - 30%	30 - 40%	>40 %	Total	
9-19 & 44-60 Coldharbour	20	0	0	0	0	1	0	0	1	21
1-22 Concordia Wharf, Coldharbour	4	0	0	0	0	0	0	0	0	4
1-18 Dollar Bay	6	0	0	0	0	0	0	0	0	6
1-43 Lancaster Drive	122	0	5	50	55	4	16	93	113	236
12-18 Landons Close	2	0	0	2	2	2	1	3	6	8
1-114 Meridian Place	118	0	0	0	0	0	1	0	1	119
116-417 Poplar Dock	305	0	0	54	54	16	19	80	115	438
71-101, 416, 607 & 613-615 Prestons Road	34	0	0	0	0	0	2	0	2	36
1-67 Stewart Street	9	0	0	0	0	0	0	0	0	9
1-21, 29-38 Vantage Mews	18	0	0	0	0	0	0	0	0	18
Total	638	0	5	106	111	23	39	176	238	895

- 9.341 According to the above results as assessed against the criteria set out in the BRE 'Site Layout Planning for Daylight and Sunlight' there appears at first glance to be a number of significant failures. However, the ES advises that in addition to this assessment, the results are to be compared with the BRE Guidance in general. In essence, the BRE Guidance must be used flexibly and should not be used as an instrument of planning policy. They are not mandatory rules but guidelines and should be viewed in the context of other site constraints.
- 9.342 The interpretation of the daylight results must be viewed in terms of the quantum of lost or gained light, not purely upon the percentage of change. The percentage value may well be misleading, particularly where the baseline values are small. In these situations, a small change in the quantum of light could represent a high percentage change in the overall figure, implying that there was a significant change in daylight where as in reality the difference is neutral.
- 9.343 The ES advises that the assessment criteria specified within the BRE guidance only suggests where a change in daylight will be noticeable to the occupants, it does not further define effects beyond this as Slight, Moderate or Large Adverse. In this case, effects beyond the levels suggested by the BRE have been defined as Slight, Moderate or Large Adverse using professional judgement.

Severity of effect	Explanation of effect
Neutral	Small technical breaches to the BRE recommendation resulting in imperceptible changes
Slight Adverse	Slight breaches in to the BRE recommendations resulting in a noticeable change
Moderate Adverse	Moderate breaches in to the BRE recommendations resulting in a noticeable change
Large Adverse	Large breaches in to the BRE recommendations resulting in significant noticeable change

9.344 The Council contracted Bureau Veritas, to undertake an independent review of the applicant's sunlight/daylight assessment. The table below summaries the findings of the above assessment.

Existing Buildings	Summary of change from the baseline (number of windows which meet BRE requirements)	Significant of effect
1-52 Antilles Bay	VSC – drop from 59 to 4 ADF – drop from 74 to 35 NSC – drop from 80 to 44	Slight adverse.
9 – 19 & 44 – 60 Coldharbour	VSC – increase from 51 to 138 ADF – increase from 41 to 48 NSC – drop from 99 to 95 APSH – increase from 19 to 20	Slight Adverse
1-22 Concordia Wharf, Coldharbour	VSC – all windows are acceptable ADF – drop from 20 – 14 APSH – increase from 1 to 4	Negligible/slight
1-18 Dollar Bay	VSC - drop from 29 to 25 ADF – same NSC - drop from 35 – 32 APSH – same	Negligible/slight
1 – 15 Horatio Place	VSC – increase from 9 – 10 ADF – same NSC – drop from 10 to 9	Neutral
1 – 43 Lancaster Drive	VSC – increase from 95 – 116 NSC – drop from 153 to 108 ADF - drop from 98 to 74 APSH – drop from 132 – 122	Slight Adverse
12 – 18 Landons Close	VSC – increase from 6 – 13 NSC - same ADF – reduction from 5 to 4 APSH – drop from 2 to 3	Negligible/slight
1 – 114 Meridian Place	VSC – increase from 207 to 211 NSC – drop 194 – 189 ADF – 126 to 100 APSH – increase from 41 to 118	Slight adverse
116 – 417 Poplar Dock	VSC – increase from 193 – 350 NSC – 447 to 435 ADF - drop 423 to 417 of 462 rooms APSH – increase from 265 to 305	Slight adverse
Prestons Road	VSC – increase from 67 to 68 ADF – drop 48 to 43 NSC - drop from 87 to 50 APSH – increase from 11 to 34	Slight adverse
1 – 67 Stewart Street	VSC – increase 8 to 27 ADF – drop 10 - 9 VSC – drop 19 – 13 APSH – same	Slight adverse
Vantage Mews	VSC – same ADF – drop 44 - 40 VSC – drop 78 - 75	Negligible/slight

9.345 Following is a summary of the conclusions from the ES:

- In conclusion, the completed development will affect the daylight and sunlight levels received by the surrounding properties.
- Daylight issues occur at Antilles Bay, largely due to balconies and overhangs causing low levels of daylight in the baseline condition. However, the actual changes in daylight will be slight.
- Due to the orientation and proximity of Lancaster Drive to the proposed development, there will be effects on the daylight and sunlight to these properties. In order to mitigate the effect, open space has been included on the eastern side of the development.
- Meridian Place receives slightly lower levels of daylight as a result of the proposed development, mainly due to low baseline conditions and inherent architectural features within the properties design.
- The daylight enjoyed by Poplar Dock suffers a slight effect. However, there is a relatively low BRE compliance, with only 70% meeting the standard. This is due to the relatively close proximity of these properties to the proposed development.
- The Preston's Road properties see low daylight levels as a result of low baseline conditions associated with inherent architectural features within the properties design.
- The properties located on Stuart Street experience small daylight losses which equate to high percentage losses due to low baseline values – these are slight.

9.346 Bureau Veritas has confirmed that the findings of the applicant's assessment in so far as defining the impacts are considered to be acceptable. On the whole the data and the assessment method are considered to be appropriate.

9.347 Regarding the impact of the development upon the further properties tested through Regulation 19 request mentioned above, the analysis demonstrated that the majority of the properties would be fully BRE compliant in terms of VSC and thus would receive a neutral alteration to there daylight. The following properties that failed are examined below.

1 – 5 Landons Close

9.348 These residential properties are located circa 190m to the north east of the closest proposed building on the Wood Wharf Site. Of the 43 windows analysed, 23 (53%) achieve the numerical values suggested by the BRE guidelines in terms of VSC and on which basis are regarded as BRE compliant.

9.349 It should be noted that all of these properties receive very low levels of daylight in their existing situation; in the order of 10% (The BRE Guidelines recommend 27%). The reason for this low level of sky visibility lies with the inherent architectural design of these buildings.

9.350 In order to achieve a more detailed understanding as to the effects of the proposed development on these properties the NSC method of analysis has been undertaken in accordance with the BRE Guidelines. The NSC results indicate that 23 (92%) of the 25 rooms achieve the levels suggested by the BRE guidelines in that there will not be a noticeable alteration in the quantum of light at working plane height.

9.351 At a distance of 190m from the site, these technical breaches of the BRE guidelines are driven by the architectural features such as balconies and overhangs and not directly by the proposed development. The quantum of alteration in real terms would be imperceptible to the occupants. For this reason the effect of the proposed development on this property is seen to be neutral.

Kintyre House

- 9.352 Kintyre House lies over 200m to the north east of the closest proposed building on the Wood Wharf Site. Of the 39 windows assessed 38 (97%) are substantially within the levels of change in VSC suggested by the BRE guidelines and on which basis would be regarded as BRE compliant. The one remaining window (a glass door) is facing inwardly to the building and is overhung. For this reason it receives a very low level of daylight in the existing situation.
- 9.353 This room complies with the BRE recommendations for NSC with no alteration at all in daylight at working plane height. The effect of the daylight to this building as a result of the proposed development is seen as neutral as it would not be perceptible to the occupants.

Arran House

- 9.354 Arran House lies over 200m to the north east of the closest proposed building on the Wood Wharf Site. Of the 68 windows assessed 60 (88%) are substantially within the achievable levels of change in VSC suggested by the BRE guidelines. The remaining 8 windows have extremely low VSC values in the existing situation (<10%) and serve 8 rooms which have other windows achieving adequate VSC levels mitigating this issue.
- 9.355 Given the distance from the proposed development all rooms are fully compliant in terms of NSC. The effect of the daylight to this building as a result of the proposed development is seen as neutral as any alteration would not be perceptible to the occupants.

Bridge House Quay

- 9.356 Bridge House Quay lies over 130m to the north east of the closest proposed building on the Wood Wharf Site. The VSC analysis indicates that 47 (53%) of the 88 windows serving these properties achieve the numerical levels of VSC suggested by the BRE guidelines. There is a complex external arrangement to this building including a mixture of balconies, overhangs, walls and protrusions obscuring the daylight these rooms receive. The existing levels of daylight are very poor. Of the 41 windows which technically breach the BRE guidelines, 38 (93%) do not achieve the level of 27% recommended by the BRE guidelines in the existing situation and with little to obstruct their current outlook.
- 9.357 This NSC analysis indicates that there are only 6 rooms which marginally breach the BRE guidelines. One of these rooms is on the ground floor of 4-9 Bridge House Quay. This room exceeds the suggested level by only 0.1% and is therefore not a significant breach considering the high level of compliance within the rest of this property.
- 9.358 The remaining breaches are found in 14 Bridge House Quay. The analysis assumed room layouts indicating reasonably large rooms served by relatively small windows. In addition to this each of these rooms has an overhang obstructing its daylight. The losses themselves are considered minor with none exceeding 28%. The effect on the daylight received by Bridge House Quay as a result of the proposed development is considered to be slight adverse.
- 9.359 Where the further analysis indicates that the the effects of the proposed development in daylight terms are neutral for 8 of the 9 addition grouped properties assessed, with the technical analysis confirming BRE compliance. The exception to this is Bridge House Quay which will experience slight adverse reduction in daylight terms which is shown to predominantly driven by the external façade design which inhibits the view of the visible sky. In consideration of the WWSPG which acknowledges a slight adverse impact is expected from a scheme of this size, the development is considered, on balance, to be acceptable.

9.360 In terms of sunlight, the following properties are fully BRE compliant and as a result are considered to receive a neutral effect as a result of the proposed development.

- 35-49 Coldharbour
- 24-28 Vantage mews

The remaining properties do see alterations and are examined in more detail in the text below.

9.361 1-5 Landons Close

The impacts of the proposed development in terms of sunlight on 1-5 Landons Close were found to be neutral.

9.362 50-56 Coldharbour

The impact of the proposed development on the sunlight received by this property would be considered neutral.

9.363 Arran House

The impact of the proposed development on the sunlight received by this property would be considered neutral.

9.364 Kintyre House

The impact of the proposed development on the sunlight received by this property would be considered neutral.

9.365 Lewis House

The impact of the proposed development on the sunlight received by this property would be considered neutral.

9.366 1-14 Bridge House Quay

Overall there are a handful of instances where the sunlight to principal livingrooms is reduced below the levels recommended by the BRE guidelines. However this is primarily driven by the inherent architectural design of the building leading to technical breaches, and the fact that the existing high sunlight levels are sustained due to the undeveloped nature of the Wood Wharf site. The effect of the proposed development on the properties in Bridge House Quay is seen as slight adverse.

2. Daylight and Sunlight Assessment: Internal Assessment

9.367 The following table summarises the results of the various facades studies and grades their potential for daylight on average as:

9.368	Severity of effect	Explanation of effect
	Poor	More than half of the facade falls beneath a level at which sufficient light levels are likely to be experienced within.
	Sufficient	The majority of the façade achieves VSC levels considered sufficient to deliver satisfactory levels of light within
	Good	The majority of the façade achieves VSC levels considered to deliver good levels of light within
	Excellent	The majority of the façade achieves VSC levels considered to deliver excellent levels of light within

9.369	Façade orientation	North	East	South	West
	W07B	excellent	poor	excellent	excellent
	W07C	poor	good	excellent	excellent
	W07D	poor	good	excellent	good
	W08	sufficient	good	excellent	good
	W09	good	excellent	excellent	sufficient
	W13	excellent	excellent	sufficient	sufficient

9.370 These results indicate that the majority of the facades, 17 (71%) of 24, receive good or excellent levels of VSC and thus will be well daylight with the proposal in place. Of the remaining 7 facades 4 receive sufficient levels of daylight with only 3 achieving a level deemed to be poor.

9.371 In order to get a more realistic idea as to the level of daylight within the rooms on these 7 facades an ADF analysis was conducted. The east façade of building W07B and the north façade of building W07C will achieve or exceed ADF of 1.5% (suggested BRE level for a living room) with window widths of 2.6m and 2.7m respectively, which should be conditioned. The north façade of building W07D has been assessed using full width full height glazing and still fails to achieve an ADF 1.5% of on the lower 32 floors. In order to minimise the daylight effects received on this facade measures could be taken at the detailed design stage.

3. Shadow Analysis

- Permanent Overshadowing

9.372 The BRE guidance advise that for a garden area or amenity area to appear adequately sunlit throughout the year no more than two-fifths and preferably no more than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21st of March.

9.373 The applicant's assessment confirms that the area of permanent shadow within the development is minimal and well within the permitted limits indicated within the BRE guideline. Similarly, whilst objections have been received regarding the impact upon surrounding residential developments, the applicant's assessment shows that there will be only a slight impact within the courtyard of Poplar Dock (0.02%) and the space between Landon Close and Bridge House Quay (3.85%).

- Transient Overshadowing

9.374 The BRE guidance give no criteria for the significance of transient overshadowing other than to suggest that by establishing the different times of day and year when shadow will be cast over surrounding areas an indication is given as to the significance of the proposed development's effect. As such, assessment of the potential effect associated with transient overshadowing is made based on expert judgement.

9.375 Council's consultant, BV, has advised that the development will undoubtedly cast transient shadows which are in excess of the current situation. However, they do tend to move quickly affecting individual areas for only short periods of time.

4. Solar Glare

9.376 Solar Glare is caused by the direct reflection of the sun's rays on reflective surfaces of buildings such as glass or steel cladding. There are no quantitative criteria within the BRE Guidance or elsewhere on solar glare as to what is acceptable or not and it is therefore a professional judgement as to the likely effect of solar glare associated with a particular development, generally though glare reflected at steeper angles is less likely to cause nuisance or distraction as you have to look upwards to see it.

9.377 The effects of reflected solar glare from the facades of the proposed development have been shown to be neutral in most cases. There is only one instance of glare that may need to be mitigated. This occurs in viewing position 4 (travelling north east along the canal) and the glare is as a result of tower W13 which will be built as part of Phase 4, and may interfere with the lie of site of any boats navigating the canal in this direction. In order to mitigate this issue it is suggested that the south west façade of this building should not consist of large areas of reflective material. This can be controlled by planning condition.

5. Light Pollution

9.378 The BRE Guidance does not provide any guidance on Light Pollution. However DEV1 of the IPG states that developments should not create unacceptable levels of artificial light. The applicant has sited the Institution of Light Engineers' (ILE) document titled 'Guidance Notes for the Reduction of Light Pollution', which identifies guidelines for obtrusive light limitations, In terms of quantum light values.

9.379 The proposed development lies in an area of high district brightness, with high levels of night-time activity. By reference to the ILE Guidance, a city centre is classed as Environmental Zone E4 that allows up to 25 lux of light measured vertically upon the face of residential windows surrounding the proposed development. This value has been used to assess the obtrusive light spillage from the proposed development.

9.380 The ILE Guidance also includes an 'after curfew' value of 5 lux. The curfew reference indicates a notional night time dark period and it is usually applied to a residential area where there is a high expectation of darkness during the hours of sleep, typically midnight to 6am.

9.381 The results of the applicants night-time light level survey of the existing area have shown that the area surrounding the applicants site currently receives relatively low levels of light. The highest light levels occur as a result of the street/pedestrian lighting, passing traffic and retail sign lighting.

9.382 The results of the generic light pollution assessment has shown that in the worst case the likely level of light produced by the proposed development would be at around 20 - 25 lux measured upon the façade of an adjoining property at a distance of 15m.

9.383 The closest residential properties are approximately 39 metres away from the proposal. At this distance the level of light received will be below the guideline figure of 25 lux before the curfew period. The applicant has advised that the night-time (midnight-6am) values are expected to be much lower than this as the majority of the internal lighting throughout the night is likely to be at a much lower level, if on at all.

9.384 Where the scheme is in outline, the final lighting scheme has not yet been completed so

the effects of sky glow can not yet be assessed. This can be controlled by planning condition relating to external and internal lighting levels.

6. Summary

- 9.385 The assessment of the potential impacts of the proposed development on the surrounding areas has been undertaken in compliance with appropriate guidance. The findings of the assessment indicate that, as expected with a development of this size and massing, there will be some negative impact on the surrounding buildings and areas. The assessment also identifies that many of these impacts will breach the recommendations provided in the BRE guidance.
- 9.386 Bureau Veritas has advised that if the assessment were to be viewed in isolation of the urban area then the impacts would be considered to breach requirements and therefore be unacceptable. However, the development is proposed within a developed area where expectations and delivery of sunlight and daylight are often lower. Indeed the BRE guidance states that 'the advice given here is not mandatory' and that it should be 'interpreted flexibly'. Also, the WWSPG recognises that the scale of development at Wood Wharf will have an impact beyond the daylight and sunlight standards.
- 9.387 Therefore, Bureau Veritas has advised that the scheme on balance is considered to be acceptable. Given that this application is for outline permission, the Council's external consultants have advised that it is possible that the Council could grant permission subject to planning condition requiring further detailed assessment at the full planning permission stage.

Privacy/ Overlooking

- 9.388 Objections received raised concern with reference to the potential overlooking from the development and the resulting loss of privacy. The assessment of overlooking is to be considered in line with Policy DEV2 of the UDP, where new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.
- 9.389 The following are the separation distances between the development and the surrounding residential dwellings:
- To the east of Preston's Road, the minimum distance is approximately 35 metres to the buildings on Coldharbour (the closest distance being between residential block W09 and No 49 Coldharbour). There are no windows however in the western facade of this building. The closest window is within No 60 Coldharbour Lane, which is approximately 39 metres from the closest point of W09, though there will be no direct overlooking of this window due to its orientation.
 - The minimum distance to the buildings on Lancaster Drive to the east is approximately 95 metres (the closest distance being between residential block W13 and No's 7-9 Lancaster Drive). There will be no direct overlooking of these windows due to their orientation.
 - To the south, the minimum distance is approximately 75 metres to No 615 Prestons Road from residential block W09. There are no substantial windows in this façade, apart from a small window.
 - To the north, the minimum distance is approximately 270 metres from residential block W13 to Poplar Dock.
 - Though commercial buildings are not triggered by policy DEV2, there is a separation distance of 145 metres to the buildings at Poplar (the closest building being office block

W02-03). The closest mooring to these buildings in Blackwall Basin is approximately 90 metres, though there are no overlooking concerns given that the bow or stern of these vessels face the development.

- There are no residential buildings to the west.

9.390 The following are the separation distances between each residential building on site:

- The separation distance between W07B and W07C is approximately 40 metres
- The separation distance between W07C and W07D is approximately 88 metres
- The separation distance between W07D and W08 is approximately 70 metres
- The separation distance between W09 and W13 is approximately 27 metres
- The separation distance between W08 and W09 is approximately 12 metres

9.391 Where the separation distance between W08 and W09 is below the 18 metre target it must be noted that the separation distance is based on the maximum proposed envelopes of these buildings. According to the applicants design guideline, the detailed design will seek to mitigate any potential privacy and overlooking between W08 and W09.

9.392 Public concern was raised over the separation distance between Buildings W05 and W07D where it is below the guideline figure. As mentioned above, commercial buildings are not triggered by policy DEV2. Notwithstanding this, the applicant has amended the design guideline to ensure detailed design will seek to minimise potential privacy and overlooking issues between W7D and W05.

9.393 It is clear that the separation distances far exceed the minimum separation distances required by policy DEV2. Whilst the proposed buildings are taller than the surrounding dwellings, a refusal based loss of privacy/overlooking would be difficult to sustained in policy terms and is therefore considered acceptable.

Sense of Enclosure/Loss of Outlook/Views

9.394 DEV1 of the IPG states that developments should not create an inappropriate sense of enclosure to surrounding buildings and open space. Also, DEV1 states that development should not adversely impact upon visual amenity.

9.395 Unlike sunlight and daylight assessments or privacy, these impacts cannot be readily assessed in terms of a percentage. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective. Notwithstanding that, the applicant has undertaken a visual assessment within the body of the ES.

9.396 The visual assessment identified a number of locations from where the Wood Wharf proposal will have an effect on views. The majority of these are from residential or publicly accessible locations, and would similarly affect the outlook from these residential environments. Since the quality of views plays a large part in the creation of character in residential areas, the effect on the view translates to the same effect on residential amenity.

9.397 The majority of the views tested were considered to be either negligible or slight to large beneficial effect, meaning, that the proposed development would cause a noticeable improvement in the quality and value of the landscape/townscape character receptor. The negligible and beneficial effects do not require any mitigation.

9.398 Two receptors however where assessed as having adverse long term effect to the residential amenity;

- Western view from Coldharbour (south); and
- View north/west from the junction of Preston's Road and Stewart Street

According to the ES, due to the scheme's layout and prominence in the skyline, mitigation measures should reduce the perceived effect of the scheme on the residential environment; high quality design and materials used in the façade treatments in line with the Design Guidelines. This matter will be addressed within the Design Guidelines. The Council's Design Department has reviewed the Design Guidelines and has confirmed that the proposal is acceptable subject to conditioning.

9.399 Whilst it is acknowledged that the development will result in an increased sense of enclosure and/or loss of outlook/views to a small number of receptors points within adjacent residential locations due to the increase in height and scale of the proposed development, on balance this proposal is not considered to create an unacceptable impact given the existing and proposed urban context (in consideration of the WWSPG), adequate separation distances and proposed high quality design and materials. Appropriate conditions will be imposed.

Wind Microclimate

- 9.400 In accordance with policy DEV27 of the Interim Planning Guidance, tall buildings are not to adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.
- 9.401 According to the WWSPG, the prevailing wind at Wood Wharf is from the south-west. The presence of tall buildings at Canary Wharf and the scale of the surrounding bodies of water cause abnormal wind patterns, with eddies and downdrafts. It is essential that any application for comprehensive development at Wood Wharf be accompanied by an assessment of the development in terms of wind turbulence, including mitigation measures as appropriate.
- 9.402 The applicants Wind microclimate assessment is included within the Environmental Statement which identifies that the wind conditions around the Proposal (with the exception of four key zones) are relatively calm, being acceptable for pedestrian walking or better throughout the whole year.
- 9.403 The ES identifies four zones where the winds are stronger: the podium level gaps between blocks W06, W05 & W04; the dock level gap between blocks W07A & W06; the west entrance of the High Street; and the area between blocks W05 & W07D. Conditions suitable for pedestrian and business walking were measured in these areas. These results would be suitable for pedestrian thoroughfares but unsuitable for entrances, residential garden spaces and/or retail areas.
- 9.404 Prevailing south westerly winds accelerate around the south-east corners of blocks W07C and W07D, being funnelled through the gaps between buildings along the south elevation.
- 9.405 The open water, which includes the indicative mooring locations and the additional timber boardwalks, along the south edge of the Site (between blocks W07B, W07C and W07D), is relatively sheltered and experiences conditions suitable for pedestrian standing or better in the summer season when these amenities will be in full use.
- 9.406 All locations along the covered High Street were classified as suitable for standing or better in the worst season, apart from locations at the dock and podium level west entrance.
- 9.407 The results on completion of Phase 1 and Phase 2 showed that the west end became progressively windier as development continued to the east. There were localised areas on the east elevation of the intermediate phases which would benefit from temporary shelter.

- 9.408 Wind conditions along the south elevation of the proposed development site are generally enhanced by the presence of the cumulative schemes considered, particularly south of residential Blocks W05 & W06 and at the northeast corners of blocks W07C & W07D at dock level.
- 9.409 Overall the wind conditions around the complete development were considered to be suitable for the intended use of the Proposal. The wind results within the Proposal during the intermediate construction phases show that there are areas where localised shelter would be desirable on a temporary basis.
- 9.410 A high quality, wind microclimate in the High Street is important to the success of Wood Wharf, as a prominent development in the Borough and the London Docklands. To attain a high amenity value along the High Street it is important to achieve the wind microclimate results reported in the Environment Statement and improve on these where possible during detailed design.
- 9.411 The table below lists all the non-negligible effects on the wind microclimate within and around the Wood Wharf development, and the subsequent mitigation measures required:

Environmental Issues Assessment	Summary of Effect	Overall Effect	Mitigation Measures
Wind conditions on the east end of the podium level at the base of residential blocks W08, and W09/W10	Undesirable Wind conditions in garden area	Long-term, Slight adverse	Planting/screening to provide shelter for garden areas in summer season
Wind conditions at south entrance of the canal and along the southeast edge of the canal	Undesirable Wind conditions	Long-term, slight to moderate adverse	Detailed design of blocks W04, W08 & W09/W10 to provide shelter to suit the desired pedestrian usage.
Calm wind conditions within the area encircled by blocks W07A, W07B and W07C.	Desirable wind conditions	Long-term, slight to moderate beneficial	n/a
Calm wind conditions on open water between blocks W07B, W07C and W07D	Desirable wind conditions	Long-term, Slight beneficial	n/a
Wind conditions along north elevation of Masterplan	Desirable wind conditions	Long-term, Slight beneficial	n/a
Wind conditions along Wood Wharf High Street (particularly at the west end and between commercial blocks on north and south elevations)	Undesirable Wind conditions	Long-term, Slight adverse	Detailed design of commercial blocks along the High Street and canopy should aim for suitable wind conditions throughout the year
Wind conditions due to cumulative schemes	Desirable wind conditions	Long-term, slight to moderate beneficial	n/a
Wind conditions on the High Street at potential retail entrances during phasing construction	Undesirable Wind conditions	Short-term, Slight adverse	Screening and/or planting to provide shelter to those entering/exiting building
Wind conditions along northwest corner of Proposal during Phase 1	Undesirable Wind conditions	Short-term, Moderate adverse	Entrance locations to commercial blocks need more robust mitigation than screening or entrance recessing
Wind conditions at	Undesirable Wind	Short-term, Slight	Temporary screening or

southwest corner of Proposal during Phase 2	conditions	adverse	hoarding to shelter thoroughfare
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- 9.412 It is proposed that conditions be imposed accordingly.
- 9.413 The Council's Environmental Health department had originally raised concern that there were no detailed design details, including adequate landscape design. The applicant has advised that given that Landscaping is a reserved matter, the wind tunnel tests were undertaken with no landscaping. Given that the proposals will include landscaping, it is likely to improve the impact on the microclimate as mentioned above within the mitigation measures. The Environmental Health department has confirmed that the approach taken is acceptable and appropriate conditions be imposed.
- 9.414 Also, Environmental Health advised that the conclusion mentioned in the ES, listed above, is a basis for further discussions in order to ensure that final wind condition are acceptable. Also a further Wind Tunnel test will be required when a detailed design of the buildings is known. In consideration of the outline proposal, this must be addressed via planning conditions. Further wind tunnel assessments will be carried out at the detailed design stage, and should be conditioned appropriately. The Environmental Health department confirmed the response is also acceptable.

Noise/Vibration

- 9.415 Policy 4A.20 of the London Plan seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable
- 9.416 Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works.
- 9.417 Policy DEV1 of the IPG states that development should not create unacceptable levels of noise and vibration. Policy DEV10 states that attenuation measures will be required for new development likely to generate unacceptable noise and / or vibration, and for development sensitive to noise and / or vibration in locations with noise and / or vibration pollution.
- 9.418 According to the applicants noise and vibration assessment included within the Environmental Statement, the following noise generators were considered:
- Demolition and Construction Noise
- 9.419 Noise levels as a result of the demolition and construction phase can be minimised by the mitigation methods such as siting stationary noise sources away from noise sensitive locations, fitting equipment with silencers, mufflers and acoustic covers, etc., which would be employed to ensure that the noise levels are acceptable.
- 9.420 Due to the temporary nature of the demolition/piling works, the effect will be short term. Therefore, the long term effect to the area due to the construction noise will be neutral/negligible. Low noise and vibration construction methods outlined in the applicant Construction Strategy should be conditioned along with Council's standard noise limit condition.

- Demolition and Construction Vibration

9.421 The effect of the vibration during construction was considered to be slight adverse. The vibration effect on the area should be minor and, due to the temporary nature of the construction works, the effect should be short term. Therefore, the long term effect to the area due to the vibration will be negligible.

9.422 The recommended vibration limits given within Councils guidance provide a sufficient degree of protection to the surrounding buildings to safeguard against structural damage. These limits should be conditioned. Also, the proposed mitigation measures outlined in the applicant Construction Strategy should be conditioned

- Road Traffic Noise

9.423 A change in noise level due to increased traffic flows as a result of construction has been considered and the effect at its maximum is expected to be slight. The change in noise level due to increased operational traffic flow is expected to be neutral/negligible.

- Mechanical Plant Noise Emissions

9.424 All mechanical plant noise emissions will be designed to comply with Council's noise limits to be conditioned. As such there should be no increase in the existing background noise levels, therefore there would be neutral/negligible effect.

9.425 The assessment states that additional noise control measures will be incorporated into mechanical systems where necessary. Such measures may include additional screening, silencers, acoustic louvres and/or alternative plant room constructions which will be addressed at the detailed design stage for each building

The Council's noise officer has confirmed that the applicant's response is acceptable

Air Quality

9.426 According to policy DEV1 of the IPG, to ensure the protection of amenity, development should not create unacceptable levels of odour, fume or dust pollution during the life of a development.

9.427 Pursuant to Policy DEV11 of the IPG, an Air Quality Assessment with regard to the proposal at Wood Wharf was carried out and examines the existing air quality conditions and calculates the potential air quality effects.

9.428 The main potential air quality effect during construction of the proposed development will be from emissions of dust. However, mitigation measures will ensure that potential adverse effects are minimised or avoided. This will be condition appropriately through an Environmental Construction Management Plan and Code of Construction Practice, consistent with those measures detailed in the GLA Best Practice Guidance for high risk sites, as well as those detailed in LBTH's Code of Construction Practice.

9.429 The main air quality effects once the proposed development becomes operational will be from traffic associated with the development. Dispersion modelling used to predict the air quality conditions for the proposal shows that changes in pollutant concentrations as a result of the development are negligible for PM10 and negligible to slight adverse / slight beneficial for NO2. The applicant has advised that the effects are therefore not considered to be significant when reviewing effects against relevant guidance. It was however noted that the underground car park will need to be designed with appropriate ventilation (at the detailed design stage) to ensure adverse effects are avoided.

9.430 The effect of operational plant emissions is predicted to be adverse. The emissions from the boiler plants and the stack heights have not been modelled/quantified in detail however the applicant has advised that where the application is in outline, it does not allow for this level of detail and would need to be agreed with Council through the planning process at the detailed design stage. It is proposed to be addressed by condition.

Television and Radio Reception

9.431 Objections have been received from the public raising concern that the development will result in an unacceptable impact upon there TV reception. In accordance with policy DEV27 of the IPG, tall buildings are not to interfere to an unacceptable degree with telecommunication and radio transmission networks.

9.432 Chapter 3 Cross Cutting Themes under section Infrastructure, Services and Waste of the IPG identifies the following criteria of tall building developments in Isle of Dogs:

“Due to the cluster of tall buildings at Canary Wharf, areas to the north suffer from poor TV reception. Large structures can cause widespread disruption to analogue television reception and other telecommunication services due to the physical obstruction or reflection of signals. Digital television signals are far more robust than analogue signals and as viewers change to digital over time, the impacts may be reduced or eliminated. In the interim, it is important to ensure new development to consider potential interference from tall buildings”

9.433 Further, Policy IOD10 states:

Applications for tall or large structures will need to satisfy the Council that the potential for interference with television reception and other communications services has been fully taken into account in the siting and design of such developments. Factors such as the height and width of each face of the structure, the material and outside surface finish, and the orientations of the sides of the structure in relation to any local transmitter should be taken into account in any planning application. If it is clear, by the nature of the development, that disruption will be a significant problem, the development may be required to incorporate suitable infrastructure to correct the situation.

9.435 The WWSPG states that any planning application for all or part of Wood Wharf must consider the impact of any proposed development on the television reception of surrounding residential areas and incorporate measures to mitigate any negative impacts should it be necessary.

9.436 In summary, based on the applicant assessment contained within the Environmental Statement, the development is likely to have:

- No significant effect on the reception of broadcast radio services;
- A negligible effect on satellite television services;
- No effect on local cable television services;
- A large adverse effect on terrestrial, digital and analogue television services, due to shadowing of terrestrial television signals, in a number of households in an area north of the proposed development. The affected locations may be able to have terrestrial television services restored by using one of the following methods as appropriate: installing a higher gain antenna or re-locating the existing antenna or re-pointing the existing antenna to another transmitter where possible or, if any of these solutions are unable to restore service, by installing satellite or cable television services; and
- a slight adverse effect on terrestrial television services, due to reflections of terrestrial television signals ('ghosting') from Crystal Palace and Croydon transmitters from the proposed development. However, the applicant has advised that if the proposed

development is due to be constructed after 2012, analogue signals will cease to be transmitted and hence reflections will no longer need to be considered.

- 9.437 A more definitive picture of the proposed development's potential effects on telecommunication signals can be obtained by conducting a pre-construction television reception survey ('Before Survey') around the potential areas of effect (identified in the desk assessment) and a second, post-construction television reception survey ('After Survey') as soon as the structures are completed and the actual effect of the structures have been deduced by comparing results in the two surveys. The results of these surveys can be used to help demonstrate the level of deterioration experienced by a residential receptor and the form of any mitigation.
- 9.438 The implementation of mitigation measures can be addressed by appropriately worded S106 obligations and/or planning conditions commensurate with the level of deterioration experienced.

Transport, Highways, Access

- 9.439 Policy 3C.1 of the London Plan seeks to ensure the integration of transport and development by encouraging patterns and forms of development that reduce the need to travel by car and to locate high trip generating development in locations with high levels of transport accessibility and capacity. Policy 3C.2 further requires proposals for development to be considered in terms of existing transport capacity. The Mayor will seek to ensure that on-site car parking at new developments is the minimum necessary (Policy 3C.23 Parking strategy).
- 9.440 Policy T16 of the UDP states that new development proposals will be assessed in relation to the ability of the existing and proposed transport system to accommodate the additional traffic that is likely to be generated.
- 9.441 Policy CP41 of the IPG seeks to ensure the integration of new development with transport, recognising that this is fundamental to achieving more sustainable patterns of travel in Tower Hamlets. The IPG supports the Mayor of London's Transport Strategy in encouraging walking and cycling as well as the use of public transport. Developments which generate large numbers of trips should be located in places easily accessible to existing or planned public transport. LBTH uses PTAL rating to assess the degree of public transport accessibility.
- 9.442 Policy IOD2 of the IODAAP states that all new development will be coordinated with the delivery of public transport enhancements. This will be achieved by requiring all proposed developments demonstrate that there is adequate capacity (existing or proposed) on the network to accommodate the demand generated by the proposal.
- 9.443 The WWSPG recognises that the proposals at Wood Wharf must be developed in conjunction with the appropriate transport infrastructure and considers that programmed transport improvements may increase transport capacity to cater for the redevelopment of Wood Wharf. These include increasing the capacity of the Jubilee line on the London Underground, expanding and extended the Docklands Light Railway, and potentially the introduction of Crossrail.
- 9.444 In addition to the above, the SPG seeks to secure pedestrian and cycle friendly areas with high quality facilities with well lit buildings that are designed to provide natural surveillance. Suitable pedestrian links to public transport stations should be enhanced and improved.
- 9.445 PPG13 directs new development to locations that are highly accessible by public transport, walking and cycling, recognising that an integrated transport system is necessary to support a strong and prosperous economy. PPG13 states that the consideration of the

location, scale, density, design and mix of land uses can help to reduce the need to travel, reduce the length of journeys and make it safer and easier for people to access jobs, shopping, recreation facilities and services by public transport, walking and cycling.

Parking

Car Parking

- 9.446 The proposed development includes the provision of 829 off-street car parking spaces. The main car park for the Wood Wharf development will be located in the basement below the western side of the site. Access to the car park will be via Cartier Circle. This car park will have a total of 720 spaces.
- 9.447 A second, smaller car park will be provided in the eastern area of the site for use by occupants of the residential dwellings. This car park will have a total of 109 car parking spaces.
- 9.448 The Wood Wharf development will be designed to be fully accessible to the mobility impaired. In addition, a significant proportion (10%) of the car parking spaces will be designed for use by people with mobility impairments.
- 9.449 The following table provides a breakdown of the car parking numbers by use according to planning policy targets:

	Office	Retail	Res	Hotel	Community Facilities	Total
Car Park Spaces Using LBTH Standards	368	0	834	23	0	1225
Development car park spaces proposed	270	93	443	23	0	829

- 9.450 Concern has been raised by TFL over the number of car parking spaces proposed on-site, and they have requested that they be reduced in accordance with policy 3C.23 of the London Plan. However, where the applicant has refused to lower the number of spaces, the Council's transport consultant has advised that it would be difficult to refuse the application on these grounds where the proposed parking numbers fall below Council policy maximums. Whilst the development is proposing retail spaces above the policy guidance, the applicant has advised that these spaces are not for staff but for public visitors accessing the site, as currently occurs at the Canary Wharf site. This will include users of the community facility. The applicant has advised that, as with Canary Wharf, all public car parking areas will accord with secure car park standards and managed appropriately. This will be addressed by s106 agreement. It is to be noted that the Table A4.3 of the London Plan permits a level of retail parking within Town Centres.
- 9.451 Whilst the number of car parking spaces on balance complies with policy guidance, consideration must be given to the road network capacity in accommodating the increased car trips, which is explored below. It is to be noted that residential occupiers of the development will be excluded from eligibility for on-street parking permits which will be secured by s106 agreement.

Cycle Parking

- 9.452 Cycle parking is proposed as follows:

	Office	Retail	Res	Hotel	Community Facilities	Total
Cycle Spaces Using LBTH Standards	1842	159	1668 per unit 167 for visitors	40	0	3875
Cycle spaces proposed	1326	50	1668	20	0	3064

- 9.453 The Canary Wharf employee survey indicates that only around 1.8% of existing employees cycle to work. The applicant anticipates that cycle use could rise to 2.5% for Wood Wharf employees. The scheme provides for approximately 5% of Wood Wharf employees to cycle to work. Notwithstanding, the applicant has agreed in principle to provide additional parking to meet demand, which will be monitored through the Travel Plan. Where this approach was accepted by both TFL and the Council on the recently approved Riverside South scheme within Canary Wharf, the approach is considered on balance acceptable.
- 9.454 TfL have advised that the cycle parking provision for the office, retail and hotel elements of the development meets TfL Cycle Parking Standards, as set out in policy 3C.22. The original proposal was providing 50% provision for the residential units. TfL advised that this was not acceptable and should be increased to one space per residential unit which the applicant has agreed to.
- 9.455 The Design and Access Statement indicate that surface level cycle parking facilities will be provided at several key locations around the site. Cycle parking will be provided in locations close to community uses and provision will be identified as part of the detailed design stage, which should be conditioned appropriately. The applicant has advised that the travel plan will promote increase cycle use which will be monitored. Also, the applicant is contributing financially to the Mayors Velib cycle scheme, both on and off site.
- 9.456 TfL has advised that further information should be provided about the location of the cycle parking where there is little information on this matter. It should be secure, sheltered and easily accessible. Shower and changing facilities should be provided for employees cycling to work. Where detail is a reserved matter, the cycle parking is considered, on balance, to be acceptable subject to conditioning.

Motorcycle Parking

- 9.457 Provision has been made in basement car parks where space permits. A total of 159 spaces will be provided in dedicated bays, which is agreed as being acceptable by the Council's Transport Consultant.

Road Network

- 9.458 This will be a high trip generating development and therefore it is important to achieve an accurate assessment in order to understand the impact on existing and proposed transport capacity in accordance with London Plan policy 3C.2. TfL is concerned that the current trip generation may underestimate the impact of the development. However, the Council's Transport Consultant has advised that the trip distribution assumption seems reasonable.
- 9.459 The Transport Assessment recognises that parts of the adjacent highway network are already severely constrained. Planned and consented developments are expected to generate significant traffic growth on roads surrounding the site over the course of the next 11 years. A significant proportion of this is generated by new residential developments to the south and east of Wood Wharf hence there will be an increase on Preston's Road in 2019 of 19.6% in the AM peak period and 19.0% in the PM peak period. The Wood Wharf development is expected to increase traffic on the local highway network with the most significant increases in 2019 on Trafalgar Way and Upper Bank Street.

- 9.460 Notwithstanding this, TfL has advised that it is appropriate and necessary to examine the mitigation of such effects via the inclusion of relevant provisions within a planning agreement, to be completed in association with the grant of planning permission for the development. In light of this, it is to be noted that the following scope of works on junction impacts was agreed at the pre-application stage by TFL:

Cartier Circle

- 9.461 This is a 4 arm junction for which a 5th arm will be added for Wood Wharf access. Development shall not commence until access from Cartier Circle is secured and details submitted.

Preston's Road/Site Junction

- 9.462 The Council would require a traffic signal option for this junction, which is to be secured an appropriate condition.

Aspen Way/ Upper Bank Street Junction

- 9.463 The Council's Transport Consultant has advised that the the applicants assessment of this junction is acceptable. The junction is shown to operate slightly over capacity in 2014/16/19 however the addition of the development was found to have a negligible impact and it is therefore difficult to justify any contribution for improving the capacity at this location.

Aspen Way/Preston's Road Junction (Prestons Round-a-bout)

- 9.464 The TA shows that there will be a significant impact upon the junction. Notwithstanding, both TfL and Council's Transport Consultant are not objecting to the scheme, rather proposing mitigation measures. There is currently major improvement works proposed to the junction, which both the New Providence Wharf and Trafalgar Way schemes have contributed to, which includes both pedestrian and signalisation improvements. The scheme will therefore make a financial contribution to this work. Also, contributions are required to mitigate impacts upon connecting junctions to the round-a-bout to reduce queuing lengths.

Public Transport

- 9.465 The applicants transport assessment indicates that the site has a PTAL of 4. According to TfL's September 2006 PTAL map the site has a varying PTAL level ranging from 1 through to 5. According to the IODAAP, the northern sub-area is considered to be central in nature with a density range of 650-1100hr/ha. According to the density matrix within policy 3A.3 of the London Plan, a density range of 650-1100 would be considered to have a minimum PTAL of 4. The GLA Stage 1 report also considered the site to be PTAL 4. Based on this evidence, and where the applicant has indicated that the PTAL level quoted within the TA is given for the centre of the site, the PTAL level is considered appropriate.

Crossrail

- 9.466 The proposed Cross Rail station on the Isle of Dogs will be approximately 600 metres from the centre of the Wood Wharf site; pedestrian routes will be provided through the Canary Wharf Estate. The TA concludes that Cross Rail will reduce the effects of the Wood Wharf development trips on the existing public transport network as with the addition of Cross Rail, the demand for DLR and the Jubilee Line will be reduced significantly when it is expected to be implemented in 2017. The applicant has agreed to contribute £100,000,000 towards the implementation of Crossrail, which will be secured by s106 agreement.

Jubilee Line Capacity Analysis

- 9.467 The nearest Jubilee station at Canary Wharf is some 550 metres from the centre of the site. The Jubilee Line operates 24 trains during the AM and PM peak periods in each direction with 7-car trains, upgraded from 6-car trains at the beginning of 2006.
- 9.468 The TA acknowledges that following the completion of the development, 29,577 passengers are forecast to travel between Canada Water and Canary Wharf in the morning peak period. This is 21% above the planning standard with a service of 30 trains/hour (tph), which is currently planned for 2009. Even with the completion of only the first phase of the development in 2014, TFL have advised that the Jubilee line would be operating at 105% of its planning standard.
- 9.469 TFL have advised that there is no capacity to increase the Jubilee Line above the planned 30tph. As such, Cross Rail is essential to deliver the additional public transport capacity for the development. The Council has raised concerns with TFL over the potential impacts upon the transport infrastructure if Crossrail is not delivered prior to the first occupation of the final phase of the development. Notwithstanding, TFL has advised that this would be an unlikely scenario. TFL have confirmed that they are satisfied that the front loading of contributions towards the bus and DLR network will mitigate the impact of the development upon the Jubilee Line until Crossrail is delivered. TFL advised that no contributions were required towards the Jubilee Line.

Jubilee Line Station Capacity Analysis

- 9.470 Concerns had been raised by the Council's Transport Consultant regarding the capacity of the eastern access to the Jubilee Line Station, adjacent Wood Wharf, to accommodate the increased footfall resulting from the development. Notwithstanding this, TfL advised that no contribution was required. Further, London Underground provided evidence that confirmed that the eastern access had sufficient capacity to accommodate Wood Wharf without the need for mitigation. This is now accepted by the Council's Transport Consultant.

DLR Capacity Analysis

- 9.471 There are three DLR stations within one kilometre of the Wood Wharf site; Blackwall to the north (approximate 850 metres), and Canary Wharf and Heron Quays to the west (approximately 700 metres from the centre of the site).
- 9.472 TA concludes that DLR would be able to accommodate increased demands from Wood Wharf, with Cross Rail providing additional capacity to ensure all lines operate within standards
- 9.473 TfL has undertaken its own demand assessment of the DLR to include this development which shows that it would have a material impact on services from the west. The assessment also forecasts heavy use of the south route along the lines identified in the transport assessment. TfL considers a contribution of £9,000,000, payable under the planning agreement, should be made toward the cost of providing enhanced capacity.

Bus Service Capacity Analysis

- 9.474 There are five TfL bus services and one dedicated night bus service, which serve Wood Wharf; the D3, D6, D7, D8, 277 and the N50.
- 9.475 The assessment predicts that highest demand for buses is inbound in the morning peak hour, with 229 passengers in 2014, 349 in 2016 and 557 in 2019. These figures equate to 3.3, 5.0 and 8.0 buses per hour respectively. TfL's assessment at this stage is that this level of demand justifies a combination of a new route and enhancements to existing

routes. A contribution of £5,000,000 has been agreed to by the applicant.

- 9.476 TfL has advised that the increase in bus frequency associated with this development will also require an increase in bus stand capacity at either end of the routes affected. Therefore, TfL requests a contribution of £150,000 under the planning agreement towards the upgrade and future expansion of the bus stands and other stands associated with the routes serving the development. A further bus infrastructure audit was undertaken which identified a number of priority bus stops within the vicinity of the development that require attention. This has been agreed to by the applicant.
- 9.477 In order to ensure that walking routes to bus stops are direct, secure, pleasant and safe, and to accord with policy 3C.20, TfL requests a capped contribution under the planning agreement of £100,000 for the relocation of stops and accessibility improvements. This has been agreed to by the applicant.
- 9.478 The scheme does not currently propose any bus provision within the development itself. Notwithstanding, the Upper Wood Wharf Square level west of the canal has been designed in accordance with adoptable standards and could be configured to accommodate possible future bus services into Wood Wharf. At present Bus Services 277 and D8 go through Cartier Circle and could be routed through the upper Wood Wharf Square level.
- 9.479 In accordance with policy 3C.4, TfL has advised that provision for bus access through the upper Wood Wharf Square level should be safeguarded.

Access

Vehicle Access

- 9.480 Currently the only vehicular access to Wood Wharf is via Prestons Road, which is a borough road. The nearest part of the Transport for London road network is the A1261 Aspen Way, 450 metres to the north of the site and connected to Prestons Road by a major roundabout. To the east of Wood Wharf a cycle route runs along Prestons Road and there are a series of informal cycle routes through the Canary Wharf estate.
- 9.481 The development is proposing vehicular access from Cartier Circle and Montgomery Street to the west and Preston's Road to the east. The access routes would provide connections to internal drop-off, parking and servicing areas. Each vehicle access would be into a discrete area or loop – there will be no internal links between these areas, effectively preventing through movement. The only exceptions would be for emergency vehicle and maintenance access.
- 9.482 At the exit to Cartier Circle, provision has been made for an access control point where vehicles would be checked. This is additional to the security cordon checkpoints that all vehicles must pass through to enter the Canary Wharf Estate.
- 9.483 Immediately after the access control, vehicles would proceed either to the upper circulatory road level or into the basement ramp to the car parking and servicing areas. The upper level roadway provides front door access to buildings west of the canal (WO1 to WO6). This is intended primarily for taxis and chauffeur-driven vehicles, but could be used for other pick-up and drop-off activities. It has also been safeguarded for future bus services.
- 9.484 A second link has been created from Montgomery Street to the western end of the southern esplanade, providing access to the car park lifts as well as taxi access to the proposed hotel and other front door activities. The new bridge link involves a drop in road level from some 11 metres AOD to 6 metres AOD. Vehicles using the link would pass through the entry control point on the access to the Heron Quays/Jubilee Place basement car park and servicing areas.

9.485 The access to the area east of the canal would be from Preston's Road. The existing junction would be replaced by a new layout that would provide an improved turning geometry and a right-turn lane in from Preston's Road. The junction has been designed in accordance with LBTH adoptable standards for sightlines, visibility splays etc.

Pedestrian Access

9.486 Pedestrian footways will be provided adjacent to each of the vehicle accesses to Wood Wharf. In addition, a new footbridge will be provided linking the western end of the high street with the quayside at Montgomery Street. New links will also be provided from the Community Park to Preston's Road north of the LUL vent shaft.

9.487 Within the development, there will be a continuous network of pedestrian routes at the lower quayside level. Areas east and west of the canal will be connected via three bridges. Also at this level, the high street will provide an east/west connection between the canal and South Dock and the continuation of this route to Montgomery Street. North/south routes will connect the high street directly with the southern esplanade.

9.488 The development will significantly improve the environment for pedestrians, as the proposals specifically include new walk routes to stations and stops to create direct and secure facilities and links. Within the site all internal spaces will operate as shared surfaces where some delineation will be required so that safe walking areas are clear to visually impaired pedestrians. The walk routes from the site to public transport nodes have been well assessed by a 'PERS' audit. In order to improve conditions for walking in accordance with London Plan policy 3C.21 the development should address the issues that were highlighted in the audit. These include a lack of dropped kerbs, tactile information and colour contrast across the links and crossings assessed, resurfacing of uneven walkways, removal of guard railing, segregation on shared foot/cycleway, creation of at grade crossings instead of subways and removal of staggered crossings. This should be addressed at the detailed design stage and conditioned appropriately.

9.489 A further audit pedestrian routes (including the bridges) was undertaken which helped identify the condition of routes to key destinations within the surrounding catchment area. Various pedestrian improvements have been identified and contributions towards these improvements have been secured, for example the £2,000,000 Blackwall Station upgrade project involving at grade crossing of the Aspen Way/Preston's Road junction and public realm improvements. Also, £500,000 towards improvements to routes within the surrounding area and key destinations has been secured.

9.490 Further to this, discussions have been had with the applicant regarding the delivery of the Millennium Quarter bridge. Where British Waterways and Canary Wharf have an interest in the delivery of the bridge (bridge landing and air rights), the Council has requested from the applicant for their agreement to use all reasonable endeavours to assist the Council in bringing this bridge forward where appropriate. Whilst the bridge is not required from a transport planning requirement, it is considered necessary for reasons of good urban planning, when considering the relocation of the South Quay DLR station. This matter will be addressed by s106 obligation.

Cycle Access

9.491 Cyclists will be able to access Wood Wharf from Cartier Circle, Montgomery Street or Preston's Road. Vehicle accesses to the site will be lightly trafficked and the proposed new routes will provide a series of convenient links for cyclists. Preston's Road is already a designated cycle route and in addition to the vehicle access there will be direct access to the park and open spaces east of the canal.

- 9.492 A series of shared surfaces would provide a network of routes available to cyclists to move within and through the site. A sign-posted link will be created from the Preston's Road access to Montgomery Street to provide a strategic east/west link between the east of the Isle of Dogs and Canary Wharf.
- 9.493 For all publicly accessible areas, a s106 agreement will be required to ensure public right of way is secured and maintained by the developer.

Construction Traffic

- 9.494 The construction management plan (CMP) submitted as part of the ES will need to be reviewed to check restrictions to construction vehicles during traffic peak periods to ensure minimum disruption to the movement of traffic including bus operations, cyclists and pedestrians during the construction phase of this development. Construction vehicles are to be confined to defined and signposted haul routes. River barges should also be used where feasible for the movement of
- 9.495 The CMP states that there could be 1,500 workers on the site at once and no parking will be made available to construction workers, either on or off site. The Construction Strategy states that workers will be encouraged to use public transport although no information is provided on how this will be managed. This must be conditioned appropriately.

Construction and Phasing Strategy states that a detailed logistics/traffic segregation plan will be provided to manage access to the construction sites and occupied buildings up to December 2019. A copy of this is required and should be conditioned.

- 9.496 A shuttle bus is proposed to run from the current Preston's Road access to Canary Wharf from November 2009 to June 2015 due to the closure of the pedestrian route from the site to Cartier Circle. This needs to be conditioned.
- 9.497 A temporary construction access is created onto Preston's Road. Details of operation of the access need to be provided, especially as it is adjacent to an existing tenant access.

Travel Plan

- 9.498 Full Travel plans to be submitted at detailed application/reserved matters stage for approval prior to occupation. For the purposes of the S106 agreement, the Travel Plan needs to be more focused in terms of actual measures, actual targets, detailed monitoring strategy, target setting at specific phases as well as end targets, reporting and agreement mechanism with LBTH and derivation and implementation of penalties should the targets not be met. This needs to cover both the commercial and residential elements of the development.

Servicing and Deliveries

Service Vehicles

- 9.499 Wood Wharf will have vehicular access, from Cartier Circle and Montgomery Street to the west and Preston's Road to the east. The access routes will provide connections to internal drop-off, parking and servicing areas. Each vehicle access will be into a discrete area or loop – there will be no internal links between these areas, effectively preventing through movement across the site. The only exceptions would be for emergency vehicle and maintenance access.
- 9.500 All vehicle access arrangements to Wood Wharf makes full provision for deliveries and servicing, waste collection and emergency vehicles. All loading and servicing for the office, retail, residential and hotel use on the western side of Wood Wharf will take place from a

series of loading/servicing areas located within the basement areas accessed via Cartier Circle. Where Canary Wharf receives deliveries 24 hours per day, deliveries to Wood Wharf will also be 24-hours a day and managed so as to avoid peak periods.

- 9.501 All service vehicles using the loading bay facilities at the Wood Wharf site will be managed by the operators of the buildings, in a similar way to other developments at nearby Canary Wharf. Only vehicles that are pre-booked will be allowed access to the loadings areas, for security and loading bay capacity reasons. The scheme is proposing to provide 31 loading bays within the basement loading dock.
- 9.502 There will also be very limited access at street level for front door deliveries on the western side of Wood Wharf (i.e. post, couriers, etc). East of the canal, all deliveries and waste collection would be at surface level.
- 9.503 The GLA's Stage 1 report states that:

Tfl welcomes the proposed service and delivery measures, including out-of-hours servicing and delivery coordination. In accordance with the London Freight Strategy and London Plan policy 3C.25 the developer should adopt a service and delivery plan to help manage demand, including peak periods identified in the assessment. One of the delivery bays should be reserved in case of unforeseen circumstances, such as equipment/vehicular breakdown. A service and delivery plan could also investigate procurement options for regularly ordered items to provide load consolidation and a concierge system for residential deliveries.

- 9.504 In response to the comments made by the GLA, and the Council's transport consultant, the proposed service arrangement is acceptable subject to condition to provide a Service and Delivery Plan, addressing delivery hours and other measures to mitigate any potential impacts upon the highway network and residential amenity.

Refuse

- 9.505 The proposals must take account of how waste from the proposed uses and activities on site will be managed, in particular the large quantum of office floorspace, but also in relation to the proposed residential units.
- 9.506 Policy 4A.21 of the London Plan encourages communities to take more responsibility for their own waste. Policy CP39 of the IPG seeks to minimise the amount of waste produced and maximise opportunities to recycle and reuse waste including at least 30% of household waste by 2010. New developments must provide adequate collection and storage facilities for recyclables and residual waste. Policies DEV15 and IOD9 seeks to ensure that development proposals contribute to facilitating more sustainable waste management.
- 9.507 The applicants waste report examines the waste management of the construction, demolition and excavation phase as well as the operational phase and outlines mitigation measures which will be used to reduce the waste generated from the development.
- Construction, demolition and excavation waste
- 9.508 Construction waste materials will comprise Concrete, masonry, steel, nonferrous metals, wood, plastic, glass, plasterboard, excavated soil, mixed waste, canteen waste, hazardous waste.
- 9.509 Demolition waste will comprise concrete, masonry, steel, non-ferrous metals (e.g. copper, aluminium), wood, plastic, glass, plasterboard, asbestos and other hazardous waste, mixed waste and canteen waste from site workers.

- 9.510 The development will generate excavated material as a result of the reduction in ground level required to construct basements, piled walls, the canal and underground structures. Excavation arisings will comprise Made Ground fill materials and natural soils.
- 9.511 The applicant has advised that opportunities will be taken to reduce, re-use and recycle waste during the demolition and construction processes, considering good waste management practice measures, complying with the Council's Code of Construction Practice to be conditioned/s106 obligation.
- Operational Waste
- 9.512 The development of the Wood Wharf site will generate household and commercial waste, and minor quantities of clinical waste. This will increase as each phase is developed.
- 9.513 The applicants Resource and Waste Management Strategy (RWMS) addresses internal storage, external storage (e.g. recycling/residual waste collection facilities within the proposed development), bulk storage on site (eg optimum location of bins and main waste storage facilities) and waste removal (ensuring the location of bins is convenient for easy removal by refuse collection vehicles ('RCV')).
- 9.514 The segregation and recycling of resources generated will be facilitated in order to limit the quantity of wastes arising for disposal and assist in meeting UK government and local policy targets. As such, suitable facilities will be provided for the segregation and storage of recyclable materials, including organic waste. Sufficient quantities of collection containers will be sited throughout the proposed development. Further detail is provided in the RWMS.
- 9.515 Design measures for the proposed development will ensure that such waste management facilities are within easy reach, with minimal time or distance, for all residents and tenants to have direct access in accordance with the Building Regulations and Tower Hamlets requirements. The waste segregation and storage facilities will be designed to be convenient and simple to use.
- 9.516 On street recycling facilities for glass, textiles etc will be provided to encourage users of public open space, retail or community facilities to segregate waste streams and increase recycling at the site, where appropriate.
- 9.517 Council's waste officer has advised that the strategy is comprehensive and forward looking in its approach. The GLA's Stage 1 report states that:
- 9.518 *Tfl welcomes the use of water for transport of aggregates and spoil. It may be feasible for the combined heating and power plant to take its deliveries from water freight too. The Code of Construction Practice could also incorporate construction delivery aspects. Delivery distances should receive some consideration when determining the sustainability of materials when producing a procurement strategy. Vehicle trips could also be minimised by measures such as reusing spoil, prefabrication and use of water freight where possible to transport waste. In accordance with the London Freight Plan the developer should submit a construction logistics plan with a measurable set of targets*
- The use of the site for water freight should be examined. The creation of a simple wharf could be provided without fixed infrastructure and this would enable use of multi-modal refuse collection vehicles for both residential and commercial intermodal waste transport.*
- 9.519 The applicant has advised that the construction plan will consider methods for minimising

the import and export of spoil and other materials. As such, the scheme should be conditioned to explore these proposals. Also, where details are to be considered at the reserved matters stage, a detailed RMWS is required to be submitted for each building at the reserved matters stage.

Other

Ecology and Nature Conservation

- 9.520 Most of the site is hard surfaced with roads, pavements, private car parks and substantial industrial sheds and manufacturing premises. Notwithstanding this, the site contains two sites of importance for nature conservation: Blackwall Basin and Millwall & West India Docks. Both are principally of importance for the regular presence of breeding and overwintering birds. Of the two, Blackwall Basin is most important.
- 9.521 London Plan policy 3D.14 states that the planning of new development and regeneration should have regard to nature conservation and biodiversity, and opportunities should be taken to achieve positive gains for conservation through the form and design of development. Where development is proposed which would affect a site of importance for nature conservation or important species, the approach should be to seek to avoid adverse impact on the species or nature conservation value of the site, and if that is not possible, to minimise such impact and seek mitigation of any residual impacts. Where, exceptionally, development is to be permitted because the reasons for it are judged to outweigh significant harm to nature conservation, appropriate compensation should be sought.
- 9.522 DEV57 of the UDP states that Council will not normally permit development where it unjustifiably causes significant harm to a site of nature conservation importance.
- 9.523 Policy CP31 of the IPG states that the Council will seek to ensure the protection, conservation, enhancement, and effective management of the Borough's biodiversity. The Wood Wharf SPG states that the redevelopment of the site provides the opportunity to enhance the biodiversity of the Isle of Dogs and presents habitat opportunities for particular species such as Black Redstarts. It suggests that redevelopment proposals for the Wood Wharf site should integrate Brown Roofs as a mitigation response for the loss of brownfield land.
- 9.524 The dock on the south edge of Blackwall Basin is currently derelict and with wild landscape growing between partly constructed residential building foundations. In Blackwall Basin water space, four floating nesting platforms for wild life are moored.
- 9.525 The ES identifies that the site regularly supports a pair of black redstart, a small songbird that is rare in the UK, and which has its stronghold in East London. Several other bird species including some species of conservation concern have been recorded on the site. Blackwall Basin and South Dock support nesting and wintering waterbirds, most notable of which is the common tern which breeds regularly on both docks; peregrine falcon is a charismatic species that is also occasionally present in the area.
- 9.526 Bat surveys of the site have found no bat roosts. The site does not support a significant collection of terrestrial invertebrate species, and no protected species were noted, although some species formerly restricted in distribution but now more widespread are present in the grassland areas.
- 9.527 The aquatic macroinvertebrate community of the dock walls and bed is dominated by non-native species and no rare or scarce species have been recorded. The fish community of the docks includes species of fresh and saline waters and although not of any particular conservation significance includes smelt which is the subject of a Biodiversity Action Plan

in the UK BAP.

9.528 The proposed redevelopment of Wood Wharf would result in habitat loss effects, in that aquatic and terrestrial habitat designated as Site of Importance for Nature Conservation would be lost as a result of the development. There would also be changes to the physical characteristics of the aquatic ecosystems in the adjacent (SINC designated) docks and in the range of habitats represented in the redeveloped Site.

9.529 Notwithstanding this, the development proposes measures to avoid or reduce effects have either been designed in or are proposed as mitigation. The following table presents a summary of the residual effects with mitigation to be put in place:

Environmental Issues	Summary Effect	Mitigation Measures
Construction Phase – Terrestrial Habitat loss	Loss of a range of habitats including some which are SINC designated.	Creation and management of new habitat on green roofs, floating islands, dock walls and in public realm areas of the Site.
Construction Phase – Effects on the extent of aquatic habitats and species	<ul style="list-style-type: none"> • A net gain in dock wall area and water volume • Small losses of dock bed • Creation of shingle beach 	Enhancement of dock walls for aquatic invertebrates through use of wooden cladding and granular fill.
Construction Phase – Disturbance effects on aquatic habitats and associated species	<ul style="list-style-type: none"> • Noise and vibration effects on species (primarily birds and fish) in the SINC • Pollution 	Controls on Site activity, air quality, discharges to water and on noise and vibration. Installation and repositioning of tern nesting rafts.
Construction Phase – Effects on black redstart	<ul style="list-style-type: none"> • Loss of nesting and foraging habitat • Potential for killing and injuring and loss of nests • Disturbance 	Clerk of Works to conduct watching brief for nesting black redstarts, and influence works if necessary. Creation and management of green roofs, dockwall wooden clad areas, floating islands and rafts as habitat for black redstart. Creation of additional foraging and specific nesting habitat.
Construction Phase – Effects on birds other than black redstart and birds forming part of the SINC interest	<ul style="list-style-type: none"> • Killing and injuring and loss of nests • Habitat loss • Disturbance 	Watching brief for kingfisher nesting, habitat creation including nesting tunnels, parks, trees, green roofs and tall buildings.
Construction Phase – Effects on bats	<ul style="list-style-type: none"> • Disruption to foraging activity 	Sensitive lighting design, habitat creation.
Construction Phase – Effects on Terrestrial invertebrates	<ul style="list-style-type: none"> • Loss of habitat 	Habitat creation and Management (notably green roofs).
Operational Phase – Effects on aquatic SINC habitat and associated species	<ul style="list-style-type: none"> • Increase in Dockwater temperature • Shading • Lighting effects • Potential pollution events 	Measures to limit the extent of changes and maximum temperatures of dockwater. Habitat creation and enhancement (new canal walls and underwater structures). Pollution plan.
Operational Phase – Effects on black redstart	<ul style="list-style-type: none"> • Disturbance effects from Site activity • Effects of the layout and form 	Management of green roofs as foraging habitat for black redstart. Creation of additional foraging and specific nesting habitat.
Operational Phase – Effects on other birds	<ul style="list-style-type: none"> • Disturbance effects of Site activity (notably to common tern) 	Installation of additional tern nesting rafts, habitat creation, with boxes to attract birds of conservation concern.

	<ul style="list-style-type: none"> • Effects on wintering wildfowl 	
Operational Phase – Effects on bats	<ul style="list-style-type: none"> • Potential effects of the layout and lighting on foraging bats 	Maintenance of green roofs and tree lines. Maintenance of lighting.

9.530 It is proposed that the above are dealt with by condition/s106 obligation.

9.531 According to the GLA's Stage 1 report, the ecological integrity of Blackwall Basin depends partly on the area of wasteland habitat on its southern margin, which will be removed by the development. However, The Stage 1 report goes on to state that the biodiversity interest of the docks and basins of Wood Wharf has historically developed in the context of various ongoing operational practices, and may be expected to readily adapt to changes brought about by this development. Where the proposed scheme includes the provision of a large area of open space (the 'Community Park') and new vegetated islands in Blackwall Basin, these are considered as part-mitigation for the loss of the fringing wasteland. The development is therefore in compliance with London Plan policy in this regard.

9.532 The Council's ecology officer also considered the scheme to be appropriate subject to the condition of the scheme to the above mitigation measures. The approach to the management of these open spaces will be crucial, and further clarification should be provided on this matter via condition.

Flooding/Water Resources

9.533 The London Plan states that the management of flood risk is extremely pertinent to London. Policy 4A.12 of the London Plan states that boroughs should identify areas at risk from flooding and avoid permitting built development in functional flood plains. Policy 2A.1 requires development proposals to take account of the physical constraints on the development of land, including flood risk, to ensure that no harmful impacts occur, or that such impacts are acceptably mitigated.

9.534 Policy U3 of the UDP and policy DEV21 of the IPG October 2007 states that the Council (in consultation with the Environment Agency) will seek appropriate flood protection where the redevelopment of existing developed areas is permitted in areas at risk from flooding.

9.535 The WWSPG notes that the site is located within a flood risk area and states that redevelopment proposals should incorporate flood mitigation measures such as Sustainable Drainage Systems (SUDS) into the scheme.

9.536 The site is located within a Flood Risk area. In accordance with PPS25 and the above policies, the applicant submitted a Flood Risk Assessment within the body of the Environmental Statement which demonstrates that the development will be safe, without increasing flood risk elsewhere. In summary, the Flood Risk Assessment concludes:

- 'The proposed scheme site lies within the indicative floodplain of the River Thames. Dock walls on site form part of the Thames flood defences and provide protection for a 1 in 1,000 year event.
- The statutory defence level applicable to the area is +5.23mAOD. Dockwalls are currently between +5.04m and +5.39mAOD. The proposed minimum ground level for the site is +5.88mAOD, which meets the EA requirements for future raising of statutory flood defence levels. Dock walls would be raised to (or above) this level providing increased protection against tidal flooding.
- A new canal would be built linking the Blackwall Basin to the South Dock. This would provide additional flood storage and would reduce the risk of flooding to the site and the surrounding area.
- A new surface water drainage network will be designed into the scheme to mitigate the risk of flooding from ground water. The risk of flooding from groundwater is considered

negligible.

- The residual risk of flooding would be mostly mitigated by increasing the height of the dock walls and providing habitable floor space at least 600mm above the existing statutory defence level. Proposed levels across much of the site would be in excess of 7m above the statutory defence level at +12.6mAOD'.

9.537 The Environment Agency was originally objecting to the scheme where no evidence had been provided by the Council that the flood risk Sequential Test had been adequately demonstrated in accordance with PPS25. The aims of PPS25 are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and direct development away from areas at highest risk.

9.538 In response to the submission of further evidence, the EA has since removed their objection regarding this matter where they considered that both the Sequential Test and Exception Test had been adequately carried out and satisfied.

9.539 As such, the scheme is considered to be acceptable subject to the conditioning of the following mitigation measures during both the construction and operational stages

Environment feature	Summary of Effect Overall	Mitigation Measures
Surface Water	Use of SUDs including discharge to the docks, brown roofs and rainwater harvesting.	Incorporated as part of design and other suitable construction practices.
Foul Water	Increased peak discharge leading to potential for surcharging of Thames Water Sewers. Thames Water have confirmed that the sewers can accommodate the flows	N/a
Groundwater quantity	Spread of contaminants to upper and lower aquifer during construction.	Suitable construction practices for excavating and piling to be adopted.
Dock and river water quality	Increase in sediment and the potential for release of contaminants.	Use of silt curtains and other suitable construction practices.
	Reduction of spare capacity in Thames Water sewers resulting in increased risk of CSO discharge to the River Thames.	N/a
	Improvement of flushing in docks, increasing water quality.	n/a
	Increase of risk of accidental discharge of oils & foul flows as a result of increased number of moorings.	n/a
Navigation	Increase amenity value; improved navigation routes between docks	n/a
Flooding	Loss of floodplain storage during Phases 1 to 3.	Developer committed to providing canal prior to completion of scheme, which would provide a net gain in flood plain.
	Increased flood plain storage after completion of scheme.	n/a
	Improved flood defences, increased level of flood defences.	n/a

Energy and Renewable Technology

9.540 The consolidated London Plan (2008) energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Policy 4A.7 adopts a presumption that developments

will achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.

- 9.541 According to policy DEV6 of the IPG, 10% of new development's energy is to come from renewable energy generated on site with a reduction of 20% of emissions.

Power, heating and cooling infrastructure, and CHP/CCHP

- 9.542 According to the GLA's Stage 1 report, a combined heat and power (CHP) system needs to be considered before the provision of renewables. The suitability of CHP for this site has been examined.

- 9.543 Two separate heat networks will supply the eastern and western sides of the site which will supply the residential elements of the development, as well as the hotel. These heat networks will be supplied by two energy centres each served by a CHP which will be fed from natural gas fired fuel cell CHP plant or, if this is not feasible, conventional CHP plant. The total CHP capacity is 600-800 kWe and the exact sizing will be confirmed at the detailed design stage. Back-up gas boilers will also be located in the energy centres.

- 9.544 It is proposed that heat and power is provided to the offices through CHP plants located in the basement of each building. Cooling is provided to the commercial buildings by means of a district cooling network connected to the surrounding dock water. If the dock water system is found to be unfeasible, or insufficient, combined cooling heat and power (CCHP) plants will be installed to deal with the cooling demand. Whilst a single heating network would be the preferred approach the GLA has advised that they have accepted the network system.

- 9.545 A summary of the Energy Strategy and the energy saving measures to be incorporated into the development is as follows:

- A district cooling and heating system serving the commercial office buildings which takes advantage of the dock water resource surrounding the site to provide low carbon cooling and heating.
- a district heating network to enable use of heat rejected from offices for 'carbon free' residential space heating;
- community heating networks each serving 400 to 500 dwellings and the hotel powered by fuel cell Combined Heat and Power;
- a Network Combined Cooling Heat and Power plant in the commercial office buildings, using fuel cell power generators with cooling capacity complementary to that of the dock water cooling system; and
- Contingency plans for use of conventional CHP in the initial phase if suitable fuel cell plant is not commercially available at the outset, with transition to fuel cell CHP systems for later phases and enabling substitution of fuel cells for conventional CHP (and CCHP) plant as soon as practicable.

- 9.546 A network distributed approach to on site generation of electricity, heat and cooling has been adopted for the development. Council's energy officer has advised that a single energy centre approach is more appropriate, however it is understood that this approach may not be suitable were the development will be phased over the next 10 years and therefore the benefits of the low carbon technology will not be available until the development is complete.

- 9.547 The GLA stage 1 report confirms that the scheme will provide 29.5% carbon dioxide savings against baseline emissions would be made if fuel-cell technology is implemented and 21% if it is found to be unfeasible.

Sustainable Design and Construction

- 9.548 The energy strategy addresses the possibility of implementing energy efficiency measures; however, given that the application is in outline, detailed modelling has not been undertaken where there are no detailed building design or facade treatments proposed. The GLA have advised that they accept that modelling at this stage can only be undertaken using benchmarks.
- 9.549 A comparison of the baseline emissions of the scheme against those of an equivalent scheme calculated using London Renewables toolkit benchmark values was undertaken. The baseline has been based on 'Toolkit' benchmark data as there are no building designs to enable Target Emission Rate (TER) values to be established from thermal modelling software. The predicted emissions are 43% below the 'Toolkit' baseline value, before consideration of savings from cogeneration, tri-generation and renewable energy.
- 9.550 The energy strategy addresses the possibility of implementing energy efficiency measures in the office buildings. The applicant has advised that during detailed design stage, application of passive design and energy efficiency measures will be evaluated for each individual envelope, and appropriate techniques and equipment will be incorporated into the design of each building to meet best practice standards. This should be conditioned appropriately
- 9.551 Further to this, the GLA advised that the design guidelines should be developed further and should contain commitments to a specific energy efficiency target. This should be expressed in terms of specifications of thermal insulation, glazing properties and air tightness targets. All commercial developments should aim to achieve a BREEAM 'excellent' rating as a minimum. There is a commitment that all the residential units will be designed to meet the energy requirements of the Code for Sustainable Homes Level 3. This will be achieved through the use of demand reduction and energy efficient design measures only. The GLA have advised that this commitment is welcomed and will be conditioned appropriately.

Renewable energy

- 9.552 A range of renewable sources of energy have been considered and it is proposed to use dock water for cooling, and heat rejected by office refrigeration equipment to pre-heat the residential network. 4,000 sq.m. of photo-voltaic cells are proposed. These three main renewable components provide around 7.6% carbon dioxide emissions savings.
- 9.553 In summary, the GLA have advised that the approach is in line with that set out in the London Plan but further work is needed on the dock water cooling system and the energy strategy for the office element of the development. Both of these matters have been conditioned appropriately.

Climate change adaptation

- 9.554 The London Plan promotes five principles in policy 4A.9 to promote and support the most effective adaptation to climate change. These are to minimise overheating and contribution to heat island effects, minimise solar gain in summer, contribute to flood risk reductions, including applying sustainable drainage principles, minimising water use and protecting and enhancing green infrastructure. Specific policies cover overheating, living roofs and walls and water.

Overheating (Policy 4A.10)

- 9.555 The proposed design guidelines make a commitment to the inclusion of passive design measures and measures to reduce overheating. Further details must be provided at the

detailed design stage.

Living roofs and walls (Policy 4A.11)

- 9.556 The policy expects these to be incorporated where feasible. The design guidelines commit to at least 50% of all roof areas being green roofs. This provision is welcomed although the provision of brown roofs should also be considered where green roofs are not feasible. A planning condition should be used to secure the provision of, and details of, the green and brown roofs.

Flooding (Policy 4A.13)

- 9.557 At the request of the GLA, flood warning and creation of flood emergency plans is to be the subject of a condition.

Sustainable drainage (Policy 4A.14)

- 9.558 Green roofs are proposed together with an attenuation tank in the basement, with the majority of the residual surface water being discharged to the docks. This is an acceptable approach and complies with London Plan Policy 4A.14 as long as the discharge to the combined sewer is minimized.

Water use (Policy 4A.16)

- 9.559 The policy sets a maximum water use target of 105 litres per person per day for residential dwellings, in line with Code for Sustainable Homes level 3. The policy seeks to maximise rainwater harvesting opportunities and promotes the use of grey water recycling and dual potable systems. The design guidelines make a commitment to achieve maximum water use targets and a commitment is made to rainwater harvesting and grey water recycling. The overall achievement of Code level 3 for water should be secured by condition.

Aircraft

- 9.560 DEV27 of the IPG requires tall buildings to conform with Civil Aviation requirements. Given the heights of different elements of the development and their location under flight paths to and from London City Airport, it is necessary as part of the planning process to demonstrate that the development would not adversely affect operations of aircraft. To support that application, an assessment of the impact on operations at London City Airport was provided. therefore required.
- 9.561 Both the London City Airport and the National Air Traffic Services Ltd have raised no safeguarding objection to the scheme subject to appropriate conditioning.

Construction and Phasing

- 9.562 The WWSPG set out that the comprehensive development of Wood Wharf would be a long-term exercise which would be determined principally by changing market pressures, whilst taking account of transport capacity, and would require a phased approach. A four phased approach was suggested over a 10 year period.
- 9.563 The SPG referred to the deliverability of the site being linked to development parcels that would proceed independently. The proposed strategy set out that the phasing should ensure that those parts of the site that were not under construction should be able to operate with minimal disruption. The programme was also to take account of the need to minimise the impact of construction on the amenity of local residents by giving consideration to the routing of construction traffic, hours of operation, controls over noise and pollution levels and maintaining, where possible, East-West pedestrian access through

the site.

- 9.564 The phasing strategy set out in the WWSPG seeks to balance the physical requirements of achieving an appropriate quantum of development with the constraints of the transport infrastructure. The four suggested phases could be adjusted, provided the overall floorspace of each phase can be accommodated within the wider transport infrastructure capacity at the time of its construction
- 9.565 The approach in the WWSPG is based upon assumptions adopted by the DLR and LUL concerning the likely capacity to be available on the transport network, and includes the impact of permitted schemes for Canary Wharf, Millenium Quater and elsewhere on the Isle of Dogs, in accordance with the WWSPG Transport Assessment.
- 9.566 The planning application for Wood Wharf is accompanied by a Construction and Phasing Strategy, which sets out the proposed construction delivery strategy, addressing phasing, buildability, accessibility during construction and phased residential occupation, in the context of a ten year construction period.
- 9.567 The document advises that construction activities will broadly progress from west to east, and will be in overlapping phases. The strategy stresses, however, that the proposed construction sequence is subject to change as construction delivery would be timed and phased to suit demand.
- 9.568 The following table summarises the proposed phasing and construction sequence:

Phase 1	<ul style="list-style-type: none"> • Building W01 • Footbridge to Canary Wharf • EDF substation
Phase 2	<ul style="list-style-type: none"> • Construction of office buildings (W02 and W03), hotel (W07A and W07A/B), residential buildings (W07B) Wood Wharf Square and Wood Wharf High Street • Vehicle bridge connecting to Canary Wharf • Temporary NHS Centre • Temporary Community Park facilities
Phase 3	<ul style="list-style-type: none"> • Construction of office building W06 • Construction of residential buildings W07C, W08 and W09 (including W13 basement and substructure construction) • Temporary Community Park facilities
Phase 4	<ul style="list-style-type: none"> • Construction of office buildings W04 and W05. • Construction of residential buildings W07D and W13 • Construction of the new Canal and bridges, the final Community Park and the remaining Public Realm

- 9.569 The development is anticipated to commence in August 2009 (site clearance and demolition works) with the main construction works starting November 2009. Some enabling and advanced works such as the construction of a new Cable and Wireless Building (Planning consent granted separately) and diversions commenced in January 2008. It is anticipated that the development will be completed by November 2019, subject to market conditions.
- 9.570 The major construction challenge for the delivery of Wood Wharf is to maintain construction access to the site whilst phasing the occupation of the earlier buildings and mitigating the impact of the works on the neighbourhood and adjacent road network.
- 9.571 According to the WWSPG, the realisation of phase 1 and 2 will be determined by the following:

1. On-site improvements in accessibility to existing transport nodes, including:
 - Pedestrian connection between the site and Canary Wharf
 - New vehicular and pedestrian access to Cartier Circle
 - Improved vehicular access to Prestons Road
2. Off-site improvements will be sought including:
 - Improvements to the local bus network to connect to local centres and relieve pressure on the DLR
 - Explore potential for a new escalator at Canary Wharf Jubilee Line station
3. Some form of community provision within phase 1 or 2 of the SPG masterplan.

9.572 In response, the scheme is complying with all of these constraints. Points 1 and 2 have been addressed in detail under the transport section of this report. With respect to point 3, the scheme will provide temporary PCT Health Centre and Community Park facilities at the completion of phase 1, in addition to substantial financial contributions to off-site leisure facilities, education provision, open space and community projects.

9.573 Also, the WWSPG states that the implementation of Phase 3 and 4 will largely be determined by an improved service on the Jubilee line. This matter has been addressed in detail under the transport section, where the phasing of the development will be subject to the timely implementation of transport infrastructure, in particular, Crossrail.

9.574 Details of the access and physical links to be provided through the site, are included within the Construction strategy, in accordance with the WWSPG. Also, the environmental management, to ensure minimal disruption arising from construction, is set out, including details of how neighbourhood liaison will be managed and conducted.

9.575 During the construction of phase 1, The WWSPG states that the provision of pedestrian access across Wood Wharf, linking Preston's Road and Canary Wharf, should be maintained during the course of construction where it is safe and practicable to do so. In consultation with the applicant, it was found that during the construction of phase 1 it was neither safe nor practicable to provide this link. As such, in the interim, the applicant is proposing a shuttle bus service from the commencement of development up until the completion of phase 1. After which, pedestrian access across the entire site will be achieved.

9.576 The phasing of the development and construction strategy has been addressed by s106 agreement and appropriate planning conditions

Listed Building Application

9.577 For the details of the status of relevant policies see the front sheet for "Planning Applications for Determinations" agenda items.

9.578 This section relates solely to the proposals within the site relating to the Grade I listed structures, those being Blackwall Basin to the north of the site and the West India Export Dock (East Quay) to the west of the site. Listed Building Consent is being applied for in order to alter these Grade I listed buildings.

9.579 The proposals directly relating to the dock walls include the following elements;

- Construction of a new canal cut from the Blackwall Basin to the South Dock to run through the new development site at the eastern side.
- Creation of footpaths around the Blackwall Basin and West India Export Dock involving

- new granite sets dock edge treatment.
- Minimal repair or replacement in some areas of the southern wall of the Blackwall Basin i.e. removal of vegetation and replacement of only severely damaged sets.
- Construction of a bridge over the remnant entrance to the former Junction Dock on the south side of the Blackwall Basin. This will involve some reconstruction of lost elements of the wall.

9.580 Further to these proposals the Grade I listed Blackwall Basin will also be affected by insertion of marine piling in order to secure the largest Eco Island to the north east of the site. In order to stabilise the walkway marine piling is necessary.

9.581 The proposal has sought to preserve as much of the existing fabric as possible, and to retain the industrial character of the dock edge. Given that the programme of works will be undertaken over a long period, some details of the application for listed building consent will be subject to detailed consideration through the imposition and fulfilment of conditions. The applicant has therefore, requested that the present application for listed building consent be seen as an overall blueprint to indicate a strategy within which there is scope to manage change in the future.

9.582 Further to the policy guidance on the historic environment provided earlier in this report, paragraph 3.5 of PPG15, outlines the relevant considerations for all listed building consent applications. These are:

- the importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms;
- the particular physical features of the building;
- the building's setting and its contribution to the local scene; and
- the extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment.

9.583 Further, PPG15, paragraph 3.19, outlines the relevant considerations where proposed works would result in the total or substantial demolition of the listed building, or any significant part of it. These are

- the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;
- the adequacy of efforts made to retain the building in use.
- the merits of alternative proposals for the site (it is to be noted that the proposed canal was considered appropriate within the WWSPG).

9.584 According to paragraph 3.15, achieving a proper balance between the special interest of a listed building and proposals for alterations or extensions is demanding and should always be based on specialist expertise.

9.585 In order to consider the effect of the proposal upon the listed Blackwall Basin and the East Quay of the West India Export Dock, the applicants Cultural Heritage Report examines the above requirements laid out in PPG 15 and the IPG. These can be summarised as follows;

Blackwall Basin

- 9.586 • *The importance of the building:* This has been demonstrated to be relatively low, in terms of architectural and historical quality. The absence of any original fabric from the basin, along with the poor quality of repair and replacement of the walls during subsequent development, has diminished the historical and architectural value of the listed structures.

- *The physical features of the structure:* These appear to be fairly standard for their age and type. Details such as the dock furniture relate to much later developments, primarily in the early 20th century. The salvage and re-use of the granite coping is to be a priority where any of the fabric needs to be replaced or altered.
- *Setting and the contribution made by the structure:* The original dockland setting is in a very fragmentary condition. As suggested above, the intrinsic value is in the open body of water connected to the main docks rather than in the relatively modern structure which retains it.
- *Whether there will be substantial benefit to the community:* The development of the land to the south of the basin will bring substantial benefit to the community which will far outweigh the proposed minor alterations to the listed structure.
- *Redevelopment Proposals:* The development proposals for the new dock edge are considered to be high quality and to be sympathetic to the existing fabric of the dock.
- *The adequacy of efforts to keep the building in use:* Effectively, any proposals for the south side of the basin will comprise only a small level of alteration in a localised area. As the majority of the southern wall is currently bounded by derelict land with no public access, any development could be argued to be returning the listed structure into use. There would seem to be little case to argue that the basin wall be returned to commercial use as the docks are no longer in operation.

East Quay of West India Export Dock (West Basin/Banana Wall)

- 9.587
- *The importance of the building:* This can be demonstrated to be high, in terms of architectural and historical quality. The applicants view is that the importance lies in the historical associations with the original dock construction and to a lesser extent, in the surviving fabric of the early 19th century. In this regard the test cannot be proved.
 - *The physical features of the building:* These appear to be fairly standard for their age and type. Details such as the original dock furniture are in a very poor state of corrosion with better preserved features relating to much later developments, primarily in the early 20th century. Given the need to retain a watertight structure to the walls it may not be possible to retain existing fabric without re-facing, but the substantial nature of the walls would allow much of the fabric to be retained behind, as has been carried out at the Blackwall Basin. Consideration should be given to the salvage and re-use of any granite coping where it is affected by any programme of demolition, in order to satisfy the test.
 - *Setting and the contribution made by the building:* The original dockland setting is in a very fragmentary condition. Strong arguments could be brought to bear to the effect that its contribution is of relatively little value as the main dock area has been so visibly overshadowed by the Canary Wharf and even current developments which will almost totally obscure the structure. The intrinsic value is in the open body of water comprising the main docks rather than in the listed structure which retains it which has been irretrievably damaged by neglect and unsympathetic repair.
 - *Whether there will be substantial benefit to the community:* Although substantial benefit to the community is possible, if not probable, it needs to be demonstrable and definable before a formal application can be made. This exercise can only be completed when plans for development are known more fully.
 - *Redevelopment Proposals:* The development proposals for the new dock edge are considered to be high quality and to be sympathetic to the existing fabric of the dock.
 - *The adequacy of efforts to keep the building in use:* There would seem to be little case to argue that the basin wall be returned to commercial use as the docks are no longer in operation.
- 9.588 As mentioned above, the Council's Conservation officer has advised that the proposal is acceptable. Also, whilst English Heritage is concerned that the eco-islands may detract from the hard edged historic character of the basin, this was found not to be a sustainable reason for refusal as discussed earlier in this report.

- 9.589 In conclusion, minimal intervention to the existing fabric will occur where the fabric exists in a good state of repair. The main intervention is the cutting of a new canal linking the Blackwall Basin to South Dock at the eastern end of the site.
- 9.590 The removal of fabric appeared to have an effect on the special architectural and historical interest of the Blackwall Basin, however, after a full assessment of the walls and a photographic survey the extent of the effect is considered to be limited. At present the dock edge is overgrown and neglected. Whilst some fabric of the basin will be removed it does not date to the original construction of the basin in the early 19th century by John Rennie. The timber boarding proposed for removal dates to the late 20th century. As such, the partial demolition of the dock wall for the canal is considered to be acceptable subject to condition.
- 9.591 The new dock wall treatment has been designed to avoid intervention with any historic fabric. Although the detailed design of the public realm and the bridges to be constructed over the edges of the dock have not been finalised, the principle of providing public access and enabling a new ground level to exist at the edge of the dock walls is considered acceptable at this stage subject to conditions being attached to the listed building consent in order to enable the dock walls to be sympathetically treated as part of the new urban realm.

10. Government Directions

- 10.1 Consideration has been given to whether referral to the Secretary of State is required under the Town and Country Planning (Development Plans and Consultation) (Departures) Direction 1999. The development as a whole is supported by the development plan. Any aspects of the development that raises tensions with particular policies are considered to be acceptable due to the conditions and obligations set out in the recommendation. The council considers that if the development is carried out in line with those conditions/obligations it will accord with the development plan. Accordingly referral to the Secretary of State under this direction is not necessary.
- 10.2 With respect to the Town and Country Planning (Shopping Development) (England and Wales) (No2) Direction 1993, although the proposed floorspace (19,886m²) is under the threshold in the Direction (20,000m²), account has to be taken of other significant retail development within a 10-mile radius of the development site. Accordingly, because of the Stratford City development, this application needs to be referred to the Secretary of State pursuant to this direction
- 10.3 Other government directions do not apply to this development.

11. Planning Obligations

- 11.1 Throughout the report reference has been made to where planning obligations have been necessary to either mitigate the impacts from the development, to compensate for harm caused by the development or to otherwise properly control the development. These are summarised in the recommendation. This section explains the next steps in finalising the legal agreement.
- 11.2 This is one of the largest development proposals ever made in a single planning application in the UK. It is not surprising therefore that the S106 package that has been negotiated is similarly large. The total contribution represents £153,120,030. This comprises a payment of £100,000,000 for Crossrail, £39,535,320 in various payments to the Council and the provision of benefits "in-kind" (such as on-site employment and training, an Idea Store and a PCT facility) representing a value of £13,584,710. The package, excluding the Crossrail payment, represents a contribution of some £121 per

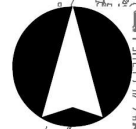
square metre for the commercial elements (offices and hotel) and around £9,680 per residential unit. This is in addition to 35% affordable housing. This represents an excellent package when compared to similar developments elsewhere within the borough generally and the Isle of Dogs in particular.

- 11.3 Such a planning obligation is necessarily complex and negotiations will continue on the detail both within the council and between the council and other organisations (eg TfL, GLA and the PCT) and with the developer. The overall size of the contribution is considered to be set, however there may be a need to make adjustments to the sums allocated to particular heads in order to finalise the agreement. This is allowed for in the recommendation.

12. Conclusions

- 12.1 All other relevant policies and considerations have been taken into account. Planning permission and listed building consent should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application
Site Map



1:14,302

0 75 m



Planning Application Site Boundary



Consultation Area



Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

Agenda Item 8

Committee: Strategic Development	Date: 9 October 2008	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer: Michael Kiely		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. PUBLIC SPEAKING

- 3.1 The Council's constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

4. RECOMMENDATION

- 4.1 The Committee to take any decisions recommended in the attached reports.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See individual reports

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Agenda Item 8.1

Committee: Strategic Development	Date: 9 October 2008	Classification: Unrestricted	Agenda Item No: 8.1
Report of: Corporate Director Development & Renewal		Title: Special Planning Considerations	
Case Officer: Michael Kiely		Ref No: PA/05/00421	
		Ward(s): Bethnal Green North	

1. DEVELOPMENT DETAILS

Location:	33-37 The Oval London E2 9DT
Existing Use:	Vacant land/construction site – former industrial use
Development:	Demolition of existing building and redevelopment to provide a five storey building comprising 3 Use Class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom flats).
Drawing Nos:	001A, 002B, 003B, 004B, 005, SK006 & 007 plus design & access statement and sunlight & daylight report
Applicant:	Neptune Group
Owner:	Warren Tyler
Historic Building:	No
Conservation Area:	No

2. RECOMMENDATION

2.1 The recommendation is that the Committee must decide with respect to planning permission number PA/05/00421:

EITHER

2.1.1 To revoke the planning permission pursuant to its powers under section 97 of the Town and Country Planning Act 1990 (as amended) on the grounds that:

The development would be in close proximity to a major hazard (the Bethnal Green Gas Holder Station) and the nature and extent of the uses proposed would represent an unacceptable level of risk for future residents and is contrary to the advice of the HSE and to Saved Unitary Development Plan policy DEV 54.

OR

2.1.2 Not to revoke the planning permission on the grounds that the Committee consider the benefits of the development, which meet Government targets for housing and employment floorspace, outweigh the risks, as set out in part 3 of the 8 November 2007 report (appendix 1).

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan	✓	Michael Kiely 020 7364 5257

3. BACKGROUND

- 3.1 At its meeting on 8 November 2007, this committee considered the report attached at appendix 1 (with original appendices 1a to 1e and the update report at appendix 2). This report informed the committee of a planning decision at 33-37 The Oval London E2 for the development set out above and the fact that the HSE had not been consulted as part of the decision making process. The HSE are a statutory consultee under the General Development Procedure Order and they object strongly to the development because of its proximity to the gasholder installation to the west of the site. This means that the planning permission is unsafe and vulnerable to challenge.
- 3.2 The report set out the risks associated with the development at this location. After considering an independent assessment of the risks (the Atkins Report at appendix 1c together with HSE's comments, appendix 1d and Atkins' response, appendix 1e) and taking full account of the objections from the HSE, the report concludes that the nature and level of risk do not over-ride the planning benefits of the development to justify serving an order under either S97 or S102 of the Town and Country Planning Act to set aside the planning permission.
- 3.3 The committee, after considering the report and the recommendation, indicated that it was minded to revoke the planning permission. Further consideration of the matter was deferred to enable officers to prepare a report outlining the options available to the Council and the legal implications of those options.
- 3.4 Since the Committee last considered this matter the developer, after negotiation by officers, has suspended the development because of the uncertainty over the position of the HSE. This has effectively blighted the site and the purchasers who signed contracts 'off plan' now need clarity over the planning authority's position.

4. OPTIONS AVAILABLE TO THE COUNCIL

- 4.1 The options available to the Council as local planning authority (LPA) are limited to either revoking the planning permission or not. There are however a number of possible outcomes to each of those decisions.

A decision to revoke

- 4.2 If the Council decides to revoke planning permission they have to serve a notice. There is a right of appeal against this notice by all people with an interest in the land. This would be the owner/developer (Warren Tyler/Neptune Group) but also those prospective purchasers of the flats who have paid a deposit and entered into a contract with the owner. If there are objections then a public inquiry will be called so that the Secretary of State will decide the matter. All interested parties would be able to present their views at the inquiry.

A decision to not revoke

- 4.3 If the Council decides not to revoke planning permission, that is unlikely to be the end of the matter. As out lined in paras 7.2 to 7.3 of the report at appendix 1, the HSE's position is strongly held and it is likely to press the Secretary of State to use her powers to require the Council to revoke the planning permission. This would be an unusual step and we have no evidence that the Secretary of State would do this as it is a power that is rarely exercised. However, given that she called in (PA/06/1393) then the prospect must be a high one.
- 4.4 In the event of a call-in there would be a public Inquiry and again all interested parties would be able to present their views.

5. LEGAL COMMENTS

- 5.1 A decision to revoke a planning permission requires the LPA to follow different notification procedures depending on whether or not the revocation is opposed. When it is opposed, the LPA must serve notice on owners, occupiers and persons affected by the revocation and following a public hearing, seek confirmation of the revocation order from the Secretary of State. However, if the order is unopposed, then the LPA must advertise the order which can be confirmed after 28 days provided no further objections are received. The developer is entitled to compensation in accordance with section 107 of the Act.
- 5.2 The effect of a confirmed revocation order will revoke the planning permission and no further work can occur as the development will not be permitted. Any development without planning permission is unlawful and can be dealt with by the LPA's enforcement powers.
- 5.3 A decision not to revoke can be superseded by the Secretary of State as she had default powers under s100 and 102 of the Town and Country Planning Act 1990 to take action to revoke a planning permission or remove buildings or works following consultation with the LPA. Such a decision is likely to lead to further uncertainty for a long period of time, as even if the development is completed, the Secretary of State has overriding powers to order the building is removed if deemed necessary.

6. APPENDICES

- 6.1 Previous report to 8 November 2007 Strategic Development Committee comprising:
- Appendix 1 Main Report with the following appendices:
 - Appendix 1a 16 November 2006 Report to Strategic Development Committee on planning application PA/06/01393
 - Appendix 1b Map of site and HSE consultation zones
 - Appendix 1c Atkins Oil & Gas Assessment Report
 - Appendix 1d Comments on Atkins Oil & Gas Assessment by HSE
 - Appendix 1e Response by Atkins Oil & Gas to HSE comments.
 - Appendix 2 Update Report

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Committee: Strategic Development	Date: 8 November 2007	Classification: Unrestricted	Agenda Item No: 8.1
Report of: Corporate Director Development & Renewal		Title: Special Planning Considerations	
Case Officer: Michael Kiely		Ref No: PA/05/00421	
		Ward(s): Bethnal Green North	

1. DEVELOPMENT DETAILS

Location:	33-37 The Oval London E2 9DT
Existing Use:	Vacant land/construction site – former industrial use
Development:	Demolition of existing building and redevelopment to provide a five storey building comprising 3 Use Class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom flats).
Drawing Nos:	001A, 002B, 003B, 004B, 005, SK006 & 007 plus design & access statement and sunlight & daylight report
Applicant:	Neptune Group
Owner:	Warren Tyler
Historic Building:	No
Conservation Area:	No

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 This report considers the risks associated with the development at this location that was given planning permission without proper consultation with HSE, a statutory consultee under the GDPO. After considering an independent assessment of the risks (the Atkins Report at appendix 1c together with HSE's comments, appendix 1d and Atkins' responses, appendix 1e), the report concludes that the nature and level of risk does not over-ride the planning benefits of the development to justify serving an order under either S97 or S102 of the Town and Country Planning Act. This decision is not seen as setting a precedent for future decisions due to the very special circumstances that surround it. It is considered desirable to secure measures that would mitigate some of the risks through negotiation with the developer. These can be secured using powers under S106 of the Act to enter into planning obligations.
- 2.2 The conclusions arrived at in the Atkins Report (and in this report) are not seen in any way as setting a precedent for future planning application decisions in this type of locality as they relate to a discrete set of circumstances limited to a particular site and do not address how the Council will assess future applications.

3. RECOMMENDATION

- 3.1 That the Committee resolve to not use the powers in S97 or S102 of the Town and Country Planning Act 1990 (as amended).

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan	✓	Michael Kiely 020 7364 5257

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate a legal agreement with the developer to secure the obligations described in paragraph 8.30 of the report.

4. BACKGROUND

Site and Surroundings

4.1 The site lies on the western side of The Oval, has a frontage of 22m, a depth of 25.5m and a site area of 0.056 hectares. It used to contain a single storey building that occupied most of the site and was used as a timber furniture manufacturer's. That building has been demolished and the development permitted under PA/05/00421 is currently under construction. The ground floor of the proposed development comprises 3 B1 (office/industrial) units. The remaining 4 floors of this 5-storey development provide 14 residential units: 6 x 1 bedroom, 6 x 2 bedroom & 2 x 3 bedroom. The immediate area is generally commercial in nature however the wider area has a significant residential population.

4.2 To the north of the site is a 2-storey building used as a printer's. To the south of the site is a 2-storey building used as a household furniture manufacturer's.

4.3 To the west of the site are the Bethnal Green gasholders operated by National Grid. The site occupies an area of around 150m x 150m (2.25 hectares). It includes 4 gas holders of the cup and grip water seal type, each of which consists of a series of co-axial cylinders which are able to rise and fall depending on the quantity of gas to be stored. Each cylinder is sealed against the next one by a series of water-filled troughs which are replenished as each seal drops back into the bottom cylinder, which acts as a reservoir. The details of the gas holders are as follows:

- No 1 4 lifts 26 t capacity
- No 2 2 lifts 19 t capacity
- No 4 3 lifts 78 t capacity
- No 5 3 lifts 92 t capacity

4.4 The typical operational profile for a gas holder is that they are only used in the winter months (for 6-7 months) and, when used, are filled from approximately 22.00 hours to 06.00 hours and emptied from 06.00 hours to 22.00 hours.

4.5 In addition to the gas holders, there is pipework connecting this storage to the main gas network. Most of this pipework is 90cm diameter and is buried, although there are some smaller sections of 60cm and 75cm diameter above ground. There is around 600m of pipework on the site above and below ground, together with a number of valves. These valves are mostly situated to the west of the site. Indeed, the closest approach of any overground pipework to the site boundary adjacent to the development at 33-37 The Oval is around 70m. The gas holders and much of the pipework are at low pressure, although there is some of the distribution pipework which is up to around 7 bar.

Planning History

4.6 Address: 33-37 The Oval, London, E2 9DT

Application Number: PA/06/01393

Proposal: Demolition of existing building. Redevelopment to provide a five storey building for use as 2 Class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom flats).

Decision: Withdrawn by applicant on 13th April 2007

Application Number: PA/06/01329
Proposal: Submission of details pursuant to condition 2a (facing materials), 2b (external lighting), 2c (landscaping) and 6 (contamination) of planning permission dated 15th December 2005, reference PA/05/421
Decision: Permitted on 26th September 2006

Application Number: PA/05/00421
Proposal: Demolition of existing building and redevelopment to provide a five storey building comprising 3 Use Class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom flats)
Decision Permitted on 15th December 2005

4.7 Address: Bethnal Green Holder Station, Marian Place, London, E2

Application Number: PA/02/00453
Proposal: Continuation of Hazardous Substances Consent following a change in control of part of the land.
Decision: Permitted on 26th June 2002

Application Number: PA/00/01825
Proposal: Continuation of Hazardous Substances Consent (relating to change in control of part of site)
Decision: Permitted on 22nd January 2001

Application Number: PA/00/01466
Proposal: Installation of a 15M high extendable and shareable telecommunications tower associated cabins in 2.5m high fenced compound
Decision: Permitted Development

Recent events

- 4.8 Planning permission PA/05/00421 was processed and determined (permission was granted on 15 December 2005) without consultation with the HSE, as required by the General Development Procedure Order. This came to HSE and NGG's attention past the time when they could challenge the decision in the courts. A decision at a site to the north (5-10 Corbridge Crescent), where a similar error occurred, was challenged by National Grid on 12 June 2006 and the decision was eventually set aside by the High Court On 6 June 2007. The council did not contest that challenge.
- 4.9 In response to a design rethink for 33-37 The Oval, a revised application (PA/06/01393) was submitted on 1 August 2006. The opportunity was taken by officers to negotiate an amendment to this new scheme to address a requirement from National Grid for there to be no development within 18m of the holders. This distance is recommended by the Institute of Gas Engineers Code of Practice SR4 Edition 2 and represents the distance needed for gas leaking from an installation to rise and dilute with air so that it is no longer capable of being ignited. That amendment was secured. On consultation, National Grid no longer objected to the development, however the HSE maintained their objection. (It should be noted that HSE's view is that the distance of 18 metres is now out of date and that flammable clouds can exist in certain circumstances for up to 80 metres from the side of a gasholder, however 18 metre remains the industry's position). The Council's Strategic Development Committee considered the application on 16 November 2006 (committee report attached as appendix 1a) and resolved to grant planning permission.

- 4.10 As required by Circular 04/2000 the HSE were notified of our decision before it was issued. HSE considered this case to be exceptional enough, particularly because of the significant level of risk, to request the Secretary of State to call-in the application for her own determination. She agreed to that request. This would have resulted in a public inquiry, however the applicant withdrew the application, and consequently the application was incapable of being called-in.
- 4.11 By now work had commenced on site to construct the amended scheme (PA/06/01393) however in view of the call-in and withdrawal of the application, the frame that was formed has been altered to enable the original scheme (approved under PA/05/00421) to be constructed. Work is currently underway on site to implement PA/05/00421 with completion expected around spring 2008.
- 4.12 In view of the concerns of the HSE about safety in relation to this development, an independent assessment of the risks associated with the nearby gas holders was commissioned by the Council. This was carried out by Atkins Oil & Gas and is attached at appendix 1c. This report is as a result of consideration of the Atkins report.

5. LEGAL POSITION

- 5.1 Despite the admitted failure of the consultation process, PA/05/00421 remains valid and capable of implementation unless and until quashed by the courts. Any attempt to challenge the lawfulness of the permission by judicial review is now out of time. While the court does have power to extend time, it very rarely exercises this power and would be reluctant to do so in the absence of a compelling justification.
- 5.2 Accordingly, the developer has a valid planning permission to develop the site and that is his present intention. Any development which accords with that permission will be lawful.
- 5.3 The Planning Act does give local planning authorities powers that may be used in these circumstances. These powers are also available to the Secretary of State.

Revocation or modification powers

- 5.4 Section 97 of the Act gives a local planning authority the power to make either a revocation or a modification order to amend a planning permission PA/05/00421:
- (1) *If it appears to the local planning authority that it is expedient to revoke or modify any permission to develop land granted on an application made under this Part, the authority may by order revoke or modify the permission to such extent as they consider expedient.*
 - (2) *In exercising their functions under subsection (1) the authority shall have regard to the development plan and to any other material considerations.*
 - (3) *The power conferred by this section may be exercised—*
 - (a) *where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed;*
 - (b) *where the permission relates to a change of the use of any land, at any time before the change has taken place.*
 - (4) *The revocation or modification of permission for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.*
- 5.5 Because the development has already commenced, section 97(4) would exclude the making of a revocation order against any works already carried out. A modification order could still be made against permitted operations that have yet to be carried out.
- 5.6 The power is discretionary. The council are under no duty to make a modification order. In deciding to make an order regard must be had to the development plan and to any other

material considerations. The order would effect a modification at the time it was made subject to its being confirmed by the Secretary of State. The developer could, however, oppose the order under section 98 of the Act and be afforded an opportunity to be heard by the Secretary of State.

- 5.7 Were a modification order to come into effect compensation would be payable by the council to the developer under section 107 of the Act. The compensation would cover any expenses incurred in carrying out the work which is rendered abortive (including the preparatory work such as plans) and any other loss or damage directly attributable to the modification order.

Discontinuance powers

- 5.8 Section 102 of the Act gives a local planning authority the power to make an order requiring the discontinuance of a use or the alteration or removal of buildings or works that are completed:

- 1) *If, having regard to the development plan and to any other material considerations, it appears to a local planning authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity)—*
 - (a) *that any use of land should be discontinued or that any conditions should be imposed on the continuance of a use of land; or*
 - (b) *that any buildings or works should be altered or removed, they may by order—*
 - (i) *require the discontinuance of that use, or*
 - (ii) *impose such conditions as may be specified in the order on the continuance of it, or*
 - (iii) *require such steps as may be so specified to be taken for the alteration or removal of the buildings or works,*

as the case may be.
- (2) *An order under this section may grant planning permission for any development of the land to which the order relates, subject to such conditions as may be specified in the order.*
- (3) *Section 97 shall apply in relation to any planning permission granted by an order under this section as it applies in relation to planning permission granted by the local planning authority on an application made under this Part.*
- (4) *The power conferred by subsection (2) includes power, by an order under this section, to grant planning permission, subject to such conditions as may be specified in the order—*
 - (a) *for the retention, on the land to which the order relates, of buildings or works constructed or carried out before the date on which the order was submitted to the Secretary of State under section 103; or*
 - (b) *for the continuance of a use of that land instituted before that date.*
- (5) *Any planning permission granted in accordance with subsection (4) may be granted—*
 - (a) *so as to take effect from the date on which the buildings or works were constructed or carried out, or the use was instituted, or*
 - (b) *in the case of buildings or works constructed or a use instituted in accordance with planning permission granted for a limited period, so as to take effect from the end of that period.*
- (6) *Where the requirements of an order under this section will involve the displacement of persons residing in any premises, it shall be the duty of the local planning authority, in so far as there is no other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacement.*
- (7) *Subject to section 103(8), in the case of planning permission granted by an order under this section, the authority referred to in sections 91(1)(b) and 92(4) is the local planning authority making the order.*

- 5.9 Again the power is discretionary and the council are under no duty to make such an order. In deciding to make an order regard must be had to the development plan and to any other material considerations. An order can be framed to have the same effect as a modification order.
- 5.10 Any order has to be confirmed by the Secretary of State and the owner of the land affected, the occupier of that land, and any other person who will be affected by the order (eg a mortgagee) can challenge it at a public inquiry.
- 5.11 Were a discontinuance order to come into effect compensation would be payable by the council under section 115 of the Act. The compensation would cover depreciation of the value of the land and disturbance in enjoyment of the land.
- 5.12 It is therefore the case that the power exists under the Planning Act to remove the development in its entirety if the planning considerations justified such a decision. Compensation would be payable whichever power (section 97 or 102) was considered appropriate.

6. POLICY FRAMEWORK

- 6.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the development:

Unitary Development Plan 1998 (as saved September 2007)

Proposals:	SVCA	Strategic View Consultation Area
Policies:	DEV1 & 2	General design and environmental requirements
	DEV3	Mixed use development
	DEV4	Planning obligations
	DEV50	Development and Noise
	DEV51	Contaminated Land
	DEV53	Hazardous Development - conditions
	DEV54	Hazardous Development - consultations
	HSG7	Dwelling Mix and Type
	HSG9	Density
	HSG13	Internal Standards for Residential Developments
	HSG15	Development Affecting Residential Amenity
	HSG16	Amenity Space
	T16	Traffic Priorities for New Development
	T21	Pedestrian Needs in New Development

Interim Planning Guidance for the purposes of Development Control

Proposals:	CP50	Strategic View Consultation Area
	C6	Development Site (refer AAP)
Core Strategies:	CP1	Creating Sustainable Communities
	CP4	Good Design
	CP11	Sites in Employment Use
	CP19	New Housing Provision
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP25	Housing Amenity Space
	CP41	Integrating Development with Transport
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security

DEV10	Disturbance from Noise Pollution
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Facilities
DEV22	Contaminated Land
DEV23	Hazardous Development & Storage of Hazardous Substances
EE2	Redevelopment/ Change of Use of Employment Sites
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provisions in Individual Private Residential and Mixed-Use Schemes
HSG7	Housing Amenity Space

Supplementary Planning Guidance/Documents

Residential Space Standards

Spatial Development Strategy for Greater London (London Plan)

3A.2	Borough Housing Targets
3A.4	Housing Choice
3A.6-8	Affordable Housing
3B.4	Mixed Use Development
3C.1	Integrating Transport and Development
3C.21	Improving Conditions for Cycling
4A.17	Dealing with Hazardous Substances
4B.3	Maximising the Potential of Sites

Government Planning Policy Guidance/Statements

PPS3	Housing
PPG24	Planning and Noise

Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity

7. CONSULTATIONS

7.1 The HSE, National Grid, Government Office for London and the developer have been consulted on an earlier draft of this report. Their views are set out below.

HSE

7.2 HSE's role in the land use planning system is to provide local authorities with advice on the nature and severity of the risks presented by major hazards (such as the Bethnal Green Gas Holder Station) to people in the surrounding area so that those risks can be given due weight, when balanced against other relevant planning considerations, in making planning decisions. (DETR circular 04/2000)

- HSE has serious concerns regarding the significant level of risk to occupants of the 5 storey development at 33-37 The Oval, E2.
- If HSE had been consulted on this development prior to the granting of planning permission, HSE would have strongly advised against the granting of planning permission and if the council were minded to grant planning permission against

HSE's advice would have asked the Secretary of State to 'call in' the application for their own determination.

- HSE notes that under the Council's planning policies (Adopted Unitary Development Plan, Policies DEV 53 and DEV 54), 'Development near to these (hazardous) installations (e.g. the Bethnal Green Holder Station) should not go ahead if it exposes large numbers of people to increased risk.' and that in the 'Conclusions' section of this report, the Council accepts that the development at 33-37 The Oval would result in an increase in the level of risk.
- In HSE's opinion, Atkins Oil and Gas have underestimated the risk to occupants by at least a factor of 5. This means the risk of fatality would very probably be 60 chances per million (cpm) per year risk of death or more.
- HSE's long standing view of risk follows that reached by a Study Group of the Royal Society on the topic of Risk Assessment, published in 1983 and in HSE publications since then, that considers a risk of <1 cpm risk of death is negligible and 100 cpm (1 in 10,000 per annum) unacceptable for members of the public who have risks imposed on them in the wider interests of society. HSE recognise that in practice, most industries do much better than these limits and the risk to members of the public from work activity are much lower.
- Comparison of the risk to the occupants of the development with other benchmarks such as the annual risk of death for employees from working in the construction or manufacturing industry are misleading as those risks are willingly tolerated by the individuals for direct benefit from that employment.
- An individual risk of approximately 60 cpm in this case is very high and approaches an unacceptable risk level for a member of the public.
- The apartment block is within the hazard range of nearly all the major accident scenarios predicted by Atkins Oil and Gas, HSE and National Grid (The operator of Bethnal Green Holder Station). In HSE's opinion there would be minimal opportunity for escape and evacuation for the occupants of the 5 storey development and hence in the event of an incident multiple fatalities would be expected (up to 46).
- The impact of the proposed mitigation measures is considered to be minimal on the calculated risks. The difficulties in conservation and enforcement of these measures over time mean their contribution to any impact on the safety of occupants cannot be assured hence in HSE's opinion, such measures should be given very little weight in the committee's decision.
- According to National Grid records, last year there were two major gas releases from holders in London. In 1977 a major gas escape from the Bethnal Green Holder Station caused the closure of Liverpool Street Station.
- In HSE's opinion, 33-37 the Oval is an inappropriate location for a 5 storey apartment block and the safety of its occupants should be a significant material consideration for the committee and sufficient to support revocation or discontinuance of the existing planning permission.

7.3 HSE have also submitted a commentary on the Atkins report which is appended as appendix 1d. A response to this from Atkins Oil and Gas is also attached at appendix 1e.

National Grid

7.4 National Grid's comments are limited to the potential impact of a development on the holder station and they do not consider or cover risk to the proposed development or surrounding area in the event of a major accident at the holder station, which they consider to be the responsibility of HSE.

7.5 With regard to the impact of the development on the holder site they recommend that the development accords with the provisions of the Institute of Gas Engineers document SR4. This recommends that no source of ignition be permitted within approximately 18 metres of a gas holder and that buildings, lighting, etc should not be erected closer than 18 metres to a gasholder. They have noted the proposal does come within 18 metres and have noted

the suggested mitigation measures. However, they consider that these are unlikely prevent potential sources of ignition within 18 metres of the holder. As such they recommend, as a minimum, that changes are made necessary to ensure consistency with IGEM document SR4.

- 7.6 National Grid also commented on the report at appendix 1a, which they consider did not, in parts, accurately reflect their representations; however that report relates to a different application.

Government Office for London

- 7.7 No comments received.

The Developer

- 7.8 No comments on the report but has confirmed willingness to enter in the legal agreement specified below in paragraph 8.31.

8. PLANNING CONSIDERATIONS

- 8.1 As explained earlier in the report, planning permission exists for a development at 33-37 The Oval against which a statutory consultee (the Health and Safety Executive) has raised an objection on the grounds of safety. That body was not consulted as required by the GDPO during the processing of the application. The permission cannot now be challenged due to the passage of time. The council therefore should consider (on the basis of the development plan and any other material considerations only) whether to take any action. The action available to the Council is as follows:

- To issue an Order either under section 97 (revocation or modification powers) or under section 102 (discontinuance powers) of the Planning Act
- To negotiate changes to the development with the developer to mitigate any residual risks
- To take no action

- 8.2 In order to enable the council to consider what is the right course of action, independent professional advice was obtained on the risk issues raised by the development from a qualified expert (the Atkins Report at appendix 1c). Legal advice from counsel has also been taken.

- 8.3 In making a decision on the planning merits, the circumstances resulting from the implementation of PA/05/00421 must create an unacceptable level of danger in order to justify serving an Order. If the development, either as permitted by PA/05/00421 or as amended through negotiation, is acceptable in the particular circumstances at the Oval then there would be no need for the council to take any further action.

- 8.4 If the development permitted under PA/05/00421 was constructed there would be relatively minor implications with respect to the Council's function in determining future planning applications. Each case has to be treated on its individual planning merits. Such development on the site would not be likely to set a precedent for development elsewhere. It would not prevent the local planning authority considering future applications on their merits.

Summary of advice received on risk assessment

- 8.5 The system used by the HSE to assess risk when considering planning application consultations (known as PADHI) is based upon consideration of individual risk, although HSE is currently considering ways in which they can also address societal risk issues around certain major hazard installations which are surrounded by significant populations.

Their preliminary list of 54 such sites has included the gas holder installation at Bethnal Green. The Atkins report therefore considered both individual and societal risk.

- 8.6 Previously under the PADHI system, HSE as a statutory consultee had to be notified about specified development within the consultation distance of a notifiable installation (eg a gasholder site for which the consultation distance was, until 2006, 60m from the edge of the gasholder). They would look at each case and provide advice in the form of either “advise against” or “do not advise against” within the 21 day period given to reply.
- 8.7 The new system seeks to automate the process by having what is known as “standing advice”. However at about the same time as this change in methodology, HSE has also reviewed the risks associated with gas holder sites. This has resulted in much wider consultation zones for these installations (see map attached at appendix 1b). The development at 33-37 The Oval was also within the previous 60m consultation zone.
- 8.8 At the centre of the new consultation system is a matrix with distance from hazard against nature of the development resulting in either “advise against” or “don’t advise against” the development. There are 3 zones: inner (about 80m), middle (about 200m) and outer (about 280m), where the distances in parentheses relate to the largest gas holder on the Bethnal Green site, and are measured from the edge of the holder. There are 4 types of development. The following is just an illustration of them (the PADHI model has a more detailed definition):
- Development Type 1 Low density uses such as warehousing and industry where there are low numbers of people
 - Development Type 2 Low density housing: < 40 dwellings per hectare (we hardly ever build at this density in Tower Hamlets)
 - Development Type 3 High density housing: > 40 dwellings per hectare
 - Development Type 4 very large or sensitive developments – eg sports stadia (high nos of people) or care home (hard to evacuate)
- 8.9 The implication of this new regime in Tower Hamlets is that there is effectively a 200 metre zone around all gas holders within which the HSE will “advise against” most residential development. Such an area (10.31 hectares in the case of Bethnal Green, when the area of the holder site is deducted) could hold between 2,480 and 4,480 dwellings given the Public Transport Accessibility Level of the area (PTAL 5) and development plan density policies (ie between 240 and 435 dwellings per hectare). If say only about a quarter of the area was capable of redevelopment and this was advised against by the HSE and Tower Hamlets followed this advice, between 620 and 1120 new dwellings could be lost and given recent trends in development densities, this is likely to be at the upper end of this range or even beyond it. We have 4 such installations in our borough. This is a significant issue in terms of housing provision; representing nearly 18 months provision of new housing in the borough.
- 8.10 The site at 33-37 The Oval is located within the Inner Planning Zone of the adjacent Bethnal Green gas holder site. The basis of the HSE ‘Advise Against’ decision has therefore been assessed in relation to the actual risks at the development site. Detailed information concerning the site and its operation has been used, together with the appropriate publications from HSE, to provide a list of credible potential major hazard accident scenarios from the site. The consequences of the scenarios have been calculated using standard methodologies, and the results matched, where possible, with information supplied from the National Grid COMAH report. Event frequencies have been estimated based both on recommendations of HSE, and also on interpretation of available accident statistics. The combination of consequences and frequencies has enabled the risks to be calculated, and the predictions match closely to the expectations based upon HSE’s Planning Zones.

Individual Risk

- 8.11 The individual risk of fatality at 33-37 The Oval is estimated by Atkins Oil and Gas to be around 12 cpm (chances per million per year) for a typical residential population. That means that a person can be expected to be fatally injured as a result of an accident at the gasholder site every 80,000 years. The results of this assessment are therefore clearly consistent with the screening process which is applied within the PADHI process: ie this value is high compared with the level at which HSE would Advise Against for any development containing more than a few people.
- 8.12 In order to help understand the level of risk at the proposed development, it is worthwhile to compare it with historical data on the other risks to which people are typically exposed. HSE's "Reducing Risks, Protecting People" document provides some data on the risks to which people are routinely exposed. Some of this information is reproduced below, in terms of risk of fatality as annual experience per million, or chances per million per year (cpm).

	Risk as annual experience per million	Risk as annual experience
Annual risk of death (entire population)	10,309 cpm	1 in 97
Annual risk of cancer	2,584 cpm	1 in 387
Annual risk from all types of accident	246 cpm	1 in 4,064
Annual risk from all forms of road accident	60 cpm	1 in 16,800
Construction	59 cpm	1 in 17,000
Agriculture, hunting, forestry and fishing	58 cpm	1 in 17,200
Manufacturing industry	13 cpm	1 in 77,000
The development	12 cpm	1 in 80,000

- 8.13 These risks can be compared with the additional annual risk for the most exposed people at the proposed development of up to about 12 cpm (once in 80,000 years) due to major accidents. For example, the annual risk of death for the most exposed person would increase by about 0.12% (from 10,309 to 10,321 cpm), and this increase would be less than a twentieth of the risk of dying in all types of accident. HSE point out that comparing voluntarily accepted risks with imposed risks is misleading. However, there are few other ways in which the numbers can realistically be put into context.
- 8.14 The individual risk is therefore not intolerable (100cpm), but is above what could be described as negligible (1cpm) or broadly acceptable.

Societal Risk

- 8.15 In addition to the above individual risk, it should be remembered that the worst case accident, involving a major fireball, could theoretically result in large numbers of people being affected in a single incident, although the likelihood of such a very severe event is very low (probably of the order of less than once in 120,000 years). This possibility of multiple fatalities may be regarded as a greater concern than the individual risks of around 12 cpm.
- 8.16 The report by Atkins Oil and Gas at appendix 1c demonstrates that the societal risk associated with the Bethnal Green gas holder site is not at present exceptionally high for a typical COMAH site. It has also been shown that the societal risk would not increase to an intolerable level if the proposed development were to be allowed. The potential for a precedent being set by allowing this development is a possible concern, as further such developments could result in a significant increase in societal risk. This development

represents a 32% increase, which would imply that only 3 such developments would be required before the societal risk was almost doubled.

- 8.17 The question of precedent in planning is well established. In the strict legal sense, it does not operate in planning decisions. The dominant principle is that all planning decisions must be taken on their individual merits. The existence of a comparable decision on another site, or even the same site, may set up an expectation that a similar decision will be taken on a current application, but it does no more than that. If circumstances have changed or there are material differences, then the decision maker is entitled to come to a different conclusion on the merits of the case. Given that this decision relates to a very particular set of circumstances at this site (including previous procedural issues and the fact that the decision is taken in regard to section 97 or 102 of the Act, rather than the determination of a planning application) any decision is not seen as in any way setting a precedent for the determination of future planning application and would not indicate how the Council will assess future applications.
- 8.18 HSE has identified in CD212 the Bethnal Green Gasholder as being amongst the 54 or so of the 1130 COMAH sites in the UK that may require explicit consideration of societal risk. HSE is of the view that the location of this development places it within the range of nearly all the potential major accidents from the closest gasholder. In the event of a serious incident, the likelihood that it would lead to multiple casualties is high. They therefore state that as no criteria has yet been agreed as to what is considered acceptable or not in terms of societal risk, any statement implying acceptance or otherwise of societal risk should not be made.

Conclusions on the assessment of risk

- 8.19 It is therefore clear that, when considering potential individual developments close to major hazard sites, both individual and societal risk need to be considered. In some cases, robust calculations of these risks may show them to be below some 'broadly acceptable' level, as defined by HSE. Conversely, they may be shown to be intolerable in all circumstances. Between these levels (as is the case for the proposed development), the acceptability of the risks, either individual or societal, can only be judged by balancing the calculated risks with the socioeconomic benefits (both for the hazardous installation and for developments in the vicinity). Ultimately, although HSE provides advice, it is for the planning authority to make such judgements, taking account of factors such as:
- nature and scale of benefits to the local / wider community
 - provision of jobs / employment
 - contribution to GDP and local taxes
 - consistency with local development plans
 - views of the public
 - etc
- 8.20 and balancing these benefits against the risks in terms of:
- number and likelihood of people affected (fatalities and injuries)
 - nature of harm
- 8.21 For example, a gas holder site such as Bethnal Green could be regarded as providing a significant regional benefit in terms of providing a fuel supply to a large community, and hence a planning authority might consider that a moderate level of societal risk associated with the installation was acceptable (provided it could be demonstrated to be As Low As Reasonably Practicable – ALARP), whilst for a smaller industrial activity with no significant socioeconomic benefits, a planning authority might consider the same level of societal risk to be unacceptable (even if it was also ALARP).

8.22 Similarly, where a development is proposed near an existing major hazard site, it is also the responsibility of the planning authority to make such judgements, taking account of the factors noted above. If there was such a pressing need for residential development in the area, and no other land was available, then the local planning authority may be more inclined to grant planning permission than in an area where such a pressing need was absent.

8.23 It is therefore concluded that:

1. The individual risk, at around 12cpm, is not intolerable, but is above the level at which HSE would advise against for this type of development.
2. The current societal risk associated with the gas holder site is not exceptionally high for a Top Tier COMAH site.
3. The addition of the extra population will increase societal risk by around 32%.
4. Whilst it is possible that a case could be made for accepting this additional risk, HSE is likely to be concerned at the potential for cumulative societal risk effects if adjacent properties were to be developed in a similar way.

Potential for further mitigation

8.24 There are features of the development which have the potential to be amended or controlled and in certain circumstances these could be beneficial to future occupants. These measures do not however materially impact on the overall risk assessment.

Use of roof terraces

8.25 While there would be no mitigation possible against a major incident (such as a fireball) in practice, however, one of the key risk reduction factors is expected to be control of ignition sources close to the gas holder. The terraces at two levels (1st floor and 4th floor) should therefore be considered in relation to controlling ignition sources. Ideally, both should be removed or made inaccessible for normal use. It is recommended that the lower terrace, which is within 18m of the gas holders, is removed. If it is not possible to remove the upper level terrace, then ignition source restrictions should be applied, since there is the potential for a greater travel distance of a flammable cloud at this higher level. This could take the form of appropriate signage advising against smoking and the use of barbeques when the adjacent gas holders are in use (ie during the winter months). In view of both the greater distance from the gas holders, and the intervening presence of the building, no similar restrictions need to be applied to any terraces at the front of the building.

Design of boundary wall

8.26 The rear boundary wall will be 5.2m high, and will have no openings. This would ensure that any low level gas releases would be deflected upwards by the presence of this wall as well as by its buoyancy. Moreover, this would be true of all wind conditions, including those higher wind speeds which would otherwise deflect the cloud towards the ground.

Minimising potential for gas ingress

8.27 The risk is reduced if any gas released is unable to encounter an ignition source. This can be achieved by minimising the openings facing and within 18m of the gas holders, and ensuring that any which are within 18m are protected, as noted above, by the boundary wall.

Installation of shatter-proof glass

8.28 One of the contributors to the risk is explosion. Since much of the injury potential is from flying glass, the effects of explosion can be reduced by ensuring that the glass in any windows facing the gas holders is shatterproof. This can be achieved either through use of

specialist glass from a supplier such as Romag, or by application of window film such as Llumar to the internal face of the glazing.

Provision of adequate means of evacuation

- 8.29 In the event of a fire on one of the gas holders, the thermal radiation at the rear of the building is likely to be sufficiently intense that evacuation would be impeded. The building design should therefore ensure that all occupants, including those using the terraces, can be evacuated safely to the front of the building.

Applicability of the desirable design features

- 8.30 The following were recommended by Atkins with comments by officers on their applicability to the development.

Ensure impermeability of rear wall up to 5m height: The approved plans show the wall as impermeable. The developer has indicated a willingness to agree to enter into a planning obligation to secure this in perpetuity.

Minimise window openings facing gas holders within 18 metres of the holder or where not protected by the rear wall: There are no windows that breach this criteria. The only risk would be the insertion of windows into the rear wall, which would be prevented by the aforementioned planning obligation.

Specify heat/blast resistant or shatterproof glass for windows facing gas holders: The developer has indicated a willingness to agree to this, subject to the Council covering the additional costs. It would be secured by a planning obligation.

Prevent the use of the lower level rear-facing roof terraces: The developer has indicated a willingness to agree to this and it would be secured by a planning obligation.

Display signage restricting the use of ignition sources on the upper level rear-facing roof terraces when gas holders are in use: The developer has indicated a willingness to agree to this and it would be secured by a planning obligation.

Ensure adequate provision is made for evacuation to the front of the building in the event of minor fires: The approved plans provide for this with the interior layout.

Development Plan Considerations

- 8.31 A wide range of policies will impact on the development, and the Council's assessment of the two applications at this site (PA/05/00421 & PA/06/01393) demonstrates that in land use planning terms a mixed commercial and residential development is acceptable at this location. For the purposes of the considerations in this report the need for the development has to be examined in order to balance it against the increase in risk that it represents.
- 8.32 The area is one that is in need of regeneration. It is characteristic of many locations within Tower Hamlets where the former industrial base has declined and the area is now characterised by vacant and sometimes derelict buildings. The need to regenerate such areas generally and the large potential that exists in east London specifically is strongly recognised in national, regional and local planning policies. The site is within the wider Thames Gateway area where a large part of the significant growth that London is experiencing is planned to be accommodated.
- 8.33 Over and above the specific strategic policies that apply to the wider area, there is a national shortage of housing that government is giving the highest priority to addressing. Developing brownfield sites at high densities, particularly where they are near good transport links such as here, is strongly encouraged.

- 8.34 Although government is prioritising the provision of housing, it also recognises that the industrial base has declined and it can be difficult to bring forward new commercial floorspace that is needed to meet demand. Mixed use schemes, where the provision of commercial floorspace can be subsidised by more profitable uses (such as residential), are seen as necessary and desirable.
- 8.35 The site therefore can be seen as playing a small but important role in delivering a wider range of regeneration policy objectives that are important at a local, regional and national level.
- 8.36 Set against these considerations are policies DEV53 & 54 in the UDP that seek to ensure that the risks associated with hazardous installations are properly taken into account as required by Article 12 of the Seveso II Directive.

Conclusions

- 8.37 Consideration of risk is a balance like any other consideration. In this case the benefits that the development brings in providing much needed housing and employment floorspace to an inner city area in need of regeneration have to be weighed against the risks represented by the development's proximity to a gas holder site.
- 8.38 When individual risk is considered, the development could be seen as being one where there is an increase that results in that risk moving from one that is broadly acceptable, but not to one which is intolerable. A range of measures that could be beneficial for future occupiers have been identified, agreed in principle and will be secured. The societal risk is not currently high and this development increases it by 32%. At these levels HSE is likely to be concerned at the potential for cumulative societal risk effects if adjacent properties were to be developed in a similar way. This risk is very low given the special circumstances of this case and the principle that planning applications are assessed on their individual merits.
- 8.39 It is therefore concluded that on balance the implementation of PA/05/00421 would not create an unacceptable level of danger when considered against the gains that the development represents in terms of much needed housing and modern commercial floorspace. Accordingly the serving of an Order would not be justified in the specific circumstances of this case. However, the mitigation benefits identified in this report at paragraph 8.30 are desirable and should be secured.
- 8.40 All other relevant policies and considerations have been taken into account in arriving at these conclusions.

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Appendix 1a

Committee: Strategic Development	Date: 16 th November 2006	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Ila Robertson		Ref No: PA/06/01393	
		Ward: Bethnal Green North	

1. APPLICATION DETAILS

Location: 33-37 The Oval, London, E2 9DT
Existing Use: Scheme approved under PA/05/00421 partly constructed on site.
Proposal: Demolition of existing building. Redevelopment to provide a five storey building for use as 2 Class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom flats). Amendments to the scheme granted permission on 15th December 2005 (PA/05/421).(Further Revisions).

Drawing Nos: 001 REV C, 002 REV D, 003 REV C, 004 REV C and 005 REV B
Applicant: Neptune Group
Owner: Neptune Group
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that it:

- a) Is a suitable land use for the site and satisfies environmental and safety criteria adopted by the Council;
- b) Does not result in material harm to the amenity of residents or to the character and environment of the adjacent area.

3. RECOMMENDATION

3.1 That the Local Authority give the Health and Safety Executive:

- advanced notice of its intention to grant permission,
- 21 days from the date of the notice to give further consideration of this matter and allow them to consider whether they wish to request that the Secretary of State call-in this application for her determination.

3.2 That the Committee resolve to **GRANT** planning permission subject to:

- A. The prior completion of a **legal agreement** to secure the following aspects secured under the original scheme PA/05/00421:
 - a) Car free agreement
 - b) Repaving / S 278 highways works
 - c) Environmental improvements to The Oval.

- 3.3 That the Head of Development Decisions is delegated power to impose conditions [and informatives] on the planning permission to secure the following:

Conditions

- 1) Three year Time Limit
- 2) Reserved matters:
 - (i) External materials;
 - (ii) External lighting;
 - (iii) Hard and soft landscaping.
- 3) Landscape Maintenance
- 4) Construction Hours
- 5) Cycle Storage
- 6) Refuse Storage
- 7) Site Investigation
- 8) Sound Insulation
- 9) Signage for the western outdoor area

Informatives

- 1) Permission subject to Section 106 legal agreement.
- 2) Environmental Health
- 3) Signage

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 A scheme was approved for the site on the 12th December 2005. However, following interventions by the Health and Safety Executive and the National Grid regarding the proximity of the development to the adjacent gas holders various discussions were held with the developer and a revised scheme was developed. The amended scheme results in the occupied areas of the building being set back by 18m from gas holders.

The revised scheme provides two Class B1 units on the ground floor with 14 residential flats above being 6 one bedroom, 6 two bedroom and 2 three bedroom flats. The access arrangements have altered slightly from the previously approved scheme.

Site and Surroundings

- 4.2 The previously approved scheme (PA/05/00421) has been partially constructed on site with the reinforced concrete structural framework for the five storey building complete. Works have been ceased until the revised scheme has been considered by Council.

The surrounding area consists of commercial uses with various light industrial, manufacturing and offices uses. To the west of the site is situated a large works site comprising of four gas holder tanks.

To the north of the site is Regents Canal and a number of residential developments are located along the northern side of the canal.

Planning History

- 4.3 The following planning decisions are relevant to the application:

PA/05/00421 Planning permission approved on the 15 December 2005 for the demolition of existing building and redevelopment to provide a five-storey building comprising 3 business units (B1) on the ground floor with 14 flats above (6 one bedroom flats, 6 two bedroom flats and 2 three bedroom flats).

5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

Unitary Development Plan

Proposals:	SVCA	Strategic View Consultation Area
Policies:	DEV1 & 2	General design and environmental requirements
	DEV3	Mixed use development
	DEV4	Planning obligations
	DEV50	Development and Noise
	DEV51	Contaminated Land
	EMP2	Retaining Existing Employment uses
	HSG2	Location of New Housing
	HSG7	Dwelling Mix and Type
	HSG9	Density
	HSG13	Internal Standards for Residential Developments
	HSG15	Development Affecting Residential Amenity
	HSG16	Amenity Space
	T15	Location of New Development
	T16	Traffic Priorities for New Development
	T17	Planning Standards
	T21	Pedestrian Needs in New Development
	T24	Cyclist needs in New Developments

Emerging Local Development Framework

Proposals:	CP50	Strategic View Consultation Area
	C6	Development Site (refer AAP)
Core Strategies:	CP1	Creating Sustainable Communities
	CP4	Good Design
	CP11	Sites in Employment Use
	CP19	New Housing Provision
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP25	Housing Amenity Space
	CP41	Integrating Development with Transport
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV10	Disturbance from Noise Pollution
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Facilities
	DEV22	Contaminated Land
	DEV23	Hazardous Development & Storage of Hazardous Substances
	EE2	Redevelopment/ Change of Use of Employment Sites
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable Housing Provisions in Individual Private Residential and Mixed-Use Schemes

Supplementary Planning Guidance/Documents
Residential Space Standards

Spatial Development Strategy for Greater London (London Plan)
N/A

Government Planning Policy Guidance/Statements
PPG3 Housing
PPG24 Planning and Noise

Community Plan The following Community Plan objectives relate to the application:
A better place for living safely
A better place for living well

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

LBTH Design and Conservation

6.2 No objection

LBTH Highways

6.3 No objection, as s278 and s106 agreement has already been secured by previous planning permission PA/05/00421.

LBTH Environmental Health

6.4 No objection, subject to conditions being included to control hours of construction, sound insulation and site investigations due to contaminated land.

Health and Safety Executive (Statutory Consultee)

6.5 Objects to the scheme advising that there are sufficient reasons on safety grounds for the scheme to be refused.

National grid (Statutory Consultee)

6.6 No objection, subject to the occupied parts of the building being more than 18 metres from the nearest gas holder(s). However, the scheme as currently constructed on site appears considerably closer than the 18 metres shown on the submitted plans and the valid planning permission and construction appears to be continuing despite LBTH directing applicant to stop work.

Recommends that potential ignition sources within the open area adjoining the gas holders are restricted in accordance with the Institute of Gas Engineers document SR4.

(Officers visited the site on the 16th October 2006 and confirm that building works have ceased).

7. LOCAL REPRESENTATION

- 7.1 A total of 23 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. [The application has also been publicised in East End Life and on site.] The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 0 Objecting: 0 Supporting: 0
No of petitions received: N/A

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land use
2. Design and Amenity
3. Health and Safety
4. Highways

Land use

- 8.2 The principle of a mixed use development in this locality has already been accepted because of the granting of planning permission on the 15th December 2005 (PA/05/00421). The scheme still includes provision of 307sqm of employment generating B1 use class floor space on the ground floor. The residential accommodation on the upper floors does not involve the loss of any existing employment generating floorspace. The application is therefore considered to be consistent with UDP Policy EMP2. It is therefore considered in land use terms that the revised scheme is acceptable.
- 8.3 The UDP policies HSG1 and HSG2 seek to encourage residential proposals within localities which are adequately serviced and where an overall satisfactory residential environment can be assured. Given the location of the site, the design of the proposed buildings and residential use within the vicinity, it is considered that this test is met.
- 8.4 The proposed mix of units (6 one bedroom, 6 two bedroom and 2 three bedroom flats), in consideration of the urban context of the site and the existing nature of the building, is acceptable in accordance with policy HSG7 of the adopted Unitary Development Plan.

Design and Amenity

- 8.5 The proposed revised building design is considered acceptable in terms of the requirements set out under the UDP. In particular, the revisions to the scheme are restricted to the rear of the building where it has been redesigned to achieve an 18m set back from the western gas holders. There have been no alterations to the overall height, massing or scale of the proposal as previously granted.
- 8.6 The amended design has been reviewed by Council Design officers. No objections have been raised.
- 8.7 The adopted Council UDP policies HSG15, DEV2 and DEV50 place a particular emphasis on protecting the amenity of existing and prospective surrounding residential occupiers. It is considered that the scheme provides a satisfactory level of amenity for potential occupants with the provision of both communal and exclusive amenity spaces and unit sizes in excess of the minimum space standards. Furthermore, given the location and design of the building

it is not considered that the amenity of any adjoining residential properties will be affected.

Health and Safety

- 8.8 The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the consultation distance of major hazard installations/ complexes and pipelines.
- 8.9 Their assessment indicates that there is a risk of harm to people at the proposed development. As such, the HSE's advice is that there are sufficient reasons, on safety grounds for advising against the granting of planning permission in this case. However, they do not give specific reasons why they consider this, other than to indicate that there is a possibility that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Moreover, they admit that the likelihood of a major accident occurring is small.
- 8.10 National Grid have advised that they have no specific objection to the proposal, subject to all occupied parts of the scheme being set back by 18 metres from the gas holder tanks. This is the distance they consider is sufficient to ensure the safety of adjacent people. National Grid has also recommended that potential ignition sources are restricted within the open areas directly adjacent to the gas works site in accordance with Gas Engineers document SR4.
- 8.11 The building has been redesigned following the above comments to ensure that the occupied parts of the building are set back by 18m from the nearest gas holder. This distance provides a sufficient separation to ensure that, if an incident did occur at the adjoining site, the occupants would be adequately protected. It is therefore considered that the proposal accords with policy DEV 23 of the emerging LDF submission document, which states that Council will resist proposals where it would cause a significant hazard to health unless suitable mitigation measures have been demonstrated.
- 8.12 In addition, it is recommended that potential ignition sources should be restricted within the open areas directly adjacent to the gas works site. It is therefore considered that a condition should be included to ensure that signage is installed within the rear communal open terraces and courtyards clearly advising future users of this restriction.
- 8.13 As mentioned in section 3.1 of the report, the Council must refer the application back to HSE for a 21-day period if they propose to approve this application. This is to allow them time to consider this matter further, to give sound planning reasons justifying a potential refusal of this application and an opportunity to request that the Secretary of State calls-in this application for her determination. Nevertheless, the Council do not consider that there are sufficient grounds to justify a refusal of this application in this instance.

Highways

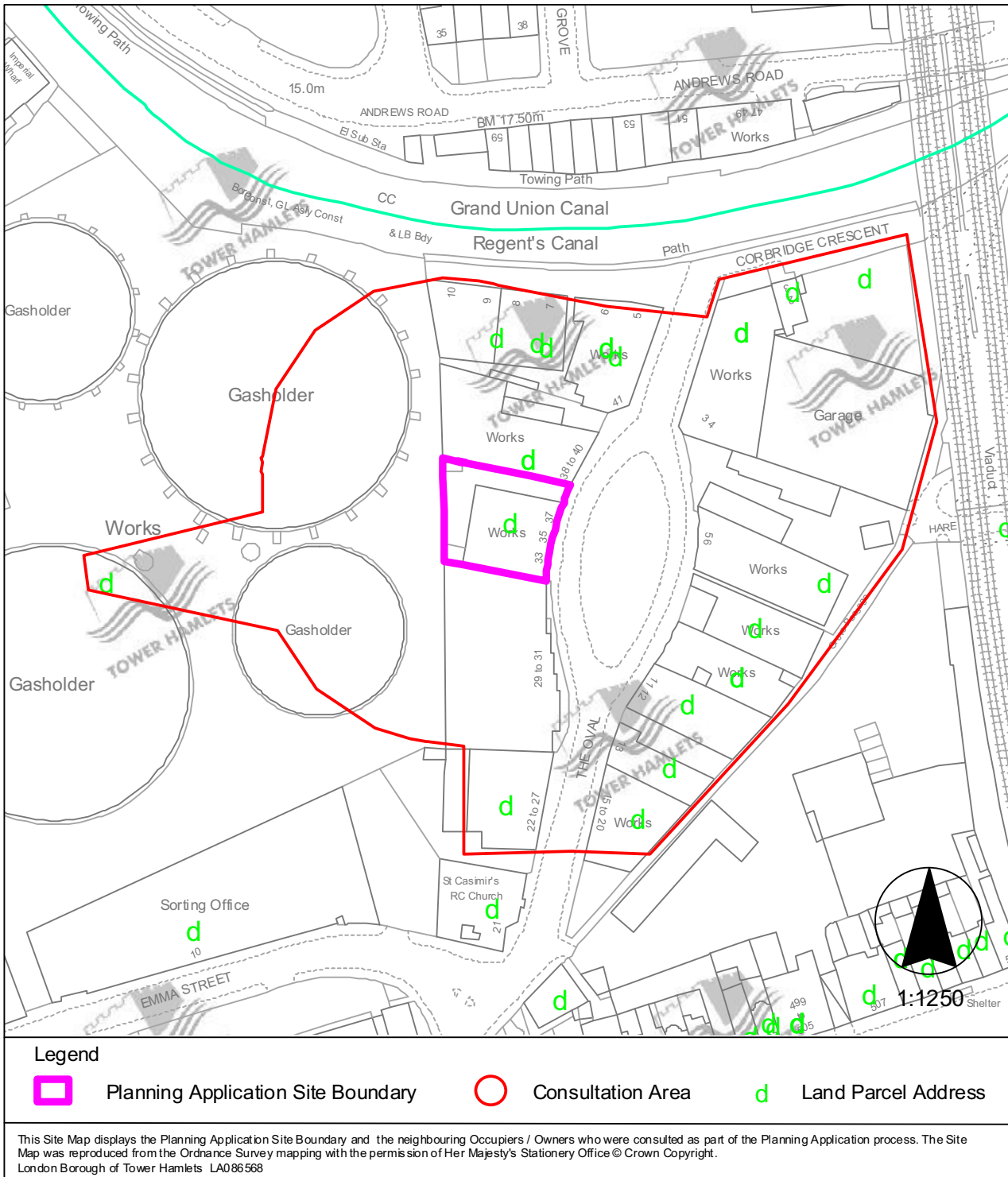
- 8.5 The application site is well serviced by public transport links. The site is located within a 5min walk of the Cambridge Heath railway station that serves both North London and provides access to Liverpool Street Station. The site is within easy walking distance of Bethnal Green Road, Cambridge Heath Road and Hackney Road that are well served by numerous bus routes

The original scheme incorporated both a 'car-free' and streetscape contribution of £21,000 as part of the s106 agreement. To ensure that development would not add pressure to the existing on-street parking in the locality. It is considered that the existing agreement should be carried over to the revised scheme to ensure that the car-free status is maintained.

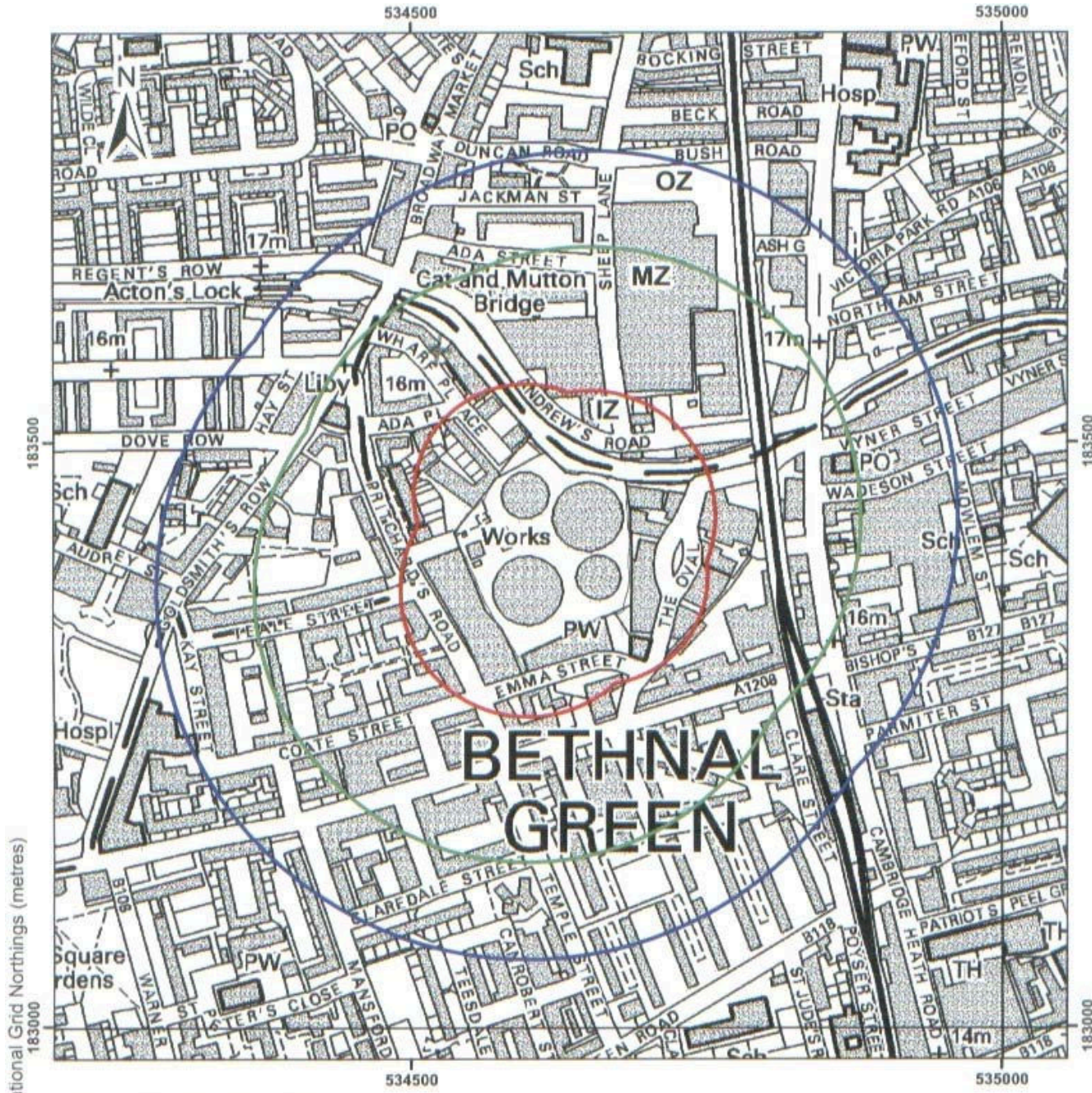
- 8.7 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL

PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Site Map



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HSE Consultation Zones
 Transco, Bethnal Green Holder Station, Marian Place, Bethnal Green, London,
 E2 9AX

CIS Location 1360
 HSE Ref: #1754
 Grid Ref: TQ 346 834

Prepared - January 2006
 This map supersedes all previous or undated maps

IZ = Inner Zone
 MZ = Middle Zone
 OZ = Outer Zone



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**Bethnal Green Gas Holder:
Quantified Risk Assessment
for Land Use Planning**

Tower Hamlets

Report No: 5054615/R1/Final

Issue Date: August 2007

Bethnal Green Gas Holder: Quantified Risk Assessment for Land Use Planning

A Report Prepared by
Atkins Oil & Gas

On Behalf of
Tower Hamlets

COMMERCIAL IN CONFIDENCE

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SUMMARY

The proposed development at 33-37 The Oval is located within the Inner Planning Zone of the adjacent Bethnal Green gas holder site. The basis of the HSE 'Advise Against' decision has therefore been addressed in relation to the actual risks at the development site.

Detailed information concerning the site and its operation has been used, together with the appropriate publications from HSE, to provide a list of credible potential major hazard accident scenarios from the site. The consequences of the scenarios have been calculated using standard methodologies, and the results matched, where possible, with information supplied from the National Grid COMAH report. Event frequencies have been estimated based both on recommendations of HSE, and also on interpretation of available accident statistics. The combination of consequences and frequencies has enabled the risks to be calculated, and the predictions match closely to the expectations based upon HSE's Planning Zones.

The results show that the individual risk is above the 'broadly acceptable' level, but is not 'intolerable'. They have also shown that the societal risk associated with the population around the gas holder site lies within a similar band, but would be increased by around 32% by the addition of this extra population (of order 60 people) within around 40m of the nearest gas holders. It is therefore concluded that:

- 1.) The individual risk, at around 12cpm, is not intolerable, but is above the level at which HSE would 'advise against' for this type of development.
- 2.) The current societal risk associated with the gas holder site is not particularly high for a Top Tier COMAH site.
- 3.) The addition of the extra population will increase societal risk by around 32%, but it will still remain well within HSE guidelines.
- 4.) Whilst it is possible that a case could be made for accepting this additional risk, HSE is likely to be concerned at the potential for cumulative societal risk effects if adjacent properties were to be developed in a similar way.

1. INTRODUCTION

1.1 Background

Planning Permission has been granted by Tower Hamlets Council for a development of 14 residential units and 3 small business units at 33 - 37 The Oval, Bethnal Green, London E2. This is a relatively small 5 storey development close to the Bethnal Green gas holder station, which is operated by National Grid.

Since this development falls inside the Inner Planning Zone of the gas holder station, within which HSE would advise against the granting of Planning Permission, Tower Hamlets is seeking an understanding of the actual risks to which users of the development would be exposed. This will provide the Planning Authority with assurance that whatever ultimate planning decision is taken will be based on a full understanding of the risks. This study has therefore been undertaken in response to a request made at a meeting at Tower Hamlets' offices on 27th March 2007.

1.2 Objectives and Scope of Work

The primary objective of this study is to provide realistic estimates of the risks associated with the presence of the Bethnal Green gas holder station which is in close proximity to the proposed development. In order to achieve this, Atkins has followed the scope as agreed with Tower Hamlets, and as set out below:

- 1) Meet with Tower Hamlets to clarify scope/ requirements.
- 2) Obtain and assess information regarding gas holder operations from National Grid.
- 3) Review HSE information regarding recent changes to Planning Zone methodology for gas holders to assess uncertainties and conservatisms, and to determine representative events for consideration in the Quantified Risk Assessment (QRA).
- 4) Obtain detailed population information (i.e. numbers and types) for areas covered by Planning Zones.
- 5) Produce QRA of risks from gas holder site, using best estimate methodologies as determined from Task 3, and ensuring that all the event types identified in HSE's Methane gas holders Safety Report Assessment Guide are considered. This will provide estimates of the Individual Risk to the following population types at the development:
 - a) Indoor residential population in nearest (top floor) flat.
 - b) Indoor office worker in nearest ground floor office.
 - c) Outdoor user of communal terrace area at top floor roof level.

It will also provide estimates of the Societal Risk (risk of large numbers of fatalities arising as a result of a particular incident) associated with the presence of the existing population in the vicinity of the gas holders, together with an estimate of the change to the Societal Risk when the new development is completed and occupied.

- 6) Assess significance of individual risks at the new development in relation to other everyday risks, and to criteria set by HSE.

The following information was requested to be supplied by Tower Hamlets Council, in order to complete the above scope of work;

- 1) Details of amounts stated (for each individual gas holder) in the Hazardous Substances Consent.
- 2) Typical annual operational profile of the gas holder station.
- 3) Existing population data for the surrounding area (see Item 4 under Scope of Work).
- 4) Copy of predictive aspects section of COMAH safety report for Bethnal Green gas holder station.

1.3 Structure of Report

Section 2 considers the proposed development in the context of the existing local environment. In particular, it identifies the land uses around the gas holder site, and sets out the population types within the area. Section 3 then describes the way in which HSE consider planning applications in the vicinity of Major Hazard sites, and the particular relevance of HSE's methodology to the proposal.

The detailed quantified risk assessment is given in Section 4, where it is compared with assessments both from HSE and from National Grid. The results of the QRA are then set into context in Section 5, where their implications in relation to the development are discussed. Conclusions are drawn out in Section 6, and background information and analyses are given in the appendices.

2. THE PROPOSED DEVELOPMENT IN CONTEXT

2.1 The Development at The Oval

The four gas holders at National Grid's Bethnal Green site occupy an area of around 150m x 150m. Immediately to the east of this site is a road called The Oval, and the proposed development is at numbers 33-37, backing onto the gas holder site, approximately between Gas Holder 2 and Gas Holder 5. The development area covers around 22m x 25.5m (0.056 ha), and is shown in Figure 2.1. The current stage of the construction (as at 16.06.07) is shown in the photograph in Figure 2.2. The development is also shown in the context of the gas holders and the wider area in Figure 2.3, which also includes HSE's planning zones (see Section 3).

The ground floor of the development will comprise 3 B1 (office/industrial) units. The remaining 4 floors of this 5 storey development will provide 14 residential units: 6 x 1 bedroom, 6 x 2 bedroom & 2 x 3 bedroom, with a likely maximum residential population of around 46 persons. The three B1 units could potentially contain a further 16 people, but only during office hours. It is understood that this development will replace a single storey light industrial unit with an occupancy of around 10 employees.

2.2 Existing Residential Developments

The area around the Bethnal Green gas holders is densely populated, with typical residential population densities of around 200 people / ha. Although there are no very tall buildings, much of the existing housing stock is high rise (typically 5-6 storey) since land is at a premium in this area of East London. It is also noted that a considerable amount of urban regeneration has taken place in the last few decades, in many cases making use of land which had been left derelict since the destruction which took place during the Second World War.

Tower Hamlets Council has provided detailed residential population data based upon the 2001 census. This is given on a ward-by-ward basis, and the information is presented in Appendix A. This shows that there are around 12,600 residents within 500m of the gas holder station. Information drawn from this appendix has been used within the RiskTool model to determine the Societal Risk associated with the gas holder site (see Section 4).

Whilst much of the residential population is separated from the gas holder site by the various industrial and commercial units, there are exceptions. In particular, it is noted that the old Council Depot to the north of the site has been redeveloped, and that housing now exists along the extended Wharf Place right up to the National Grid site boundary.

2.3 Existing Industrial and Commercial Developments

Although the area within 500m of the gas holder station is primarily residential, it also includes industrial, commercial and retail units. For example, review of the population data in Appendix A shows that there are some areas within which the population density is extremely low for this densely populated area. This is at least partly accounted for by the presence of industrial and commercial units adjoining the eastern, southern and western boundaries of the National Grid site.

In addition to the gasholder site, other relevant sites have been identified from the local map, and the non - residential (employee) population information has also been included (to be applied only during normal office hours) in the Societal Risk calculations.

2.4 Sensitive Populations

There are also some facilities within the area which are provided for specific community use. These include:

- schools
- hospitals
- day centres
- surgeries
- nurseries

Such facilities are likely to be used either by large numbers of people, or by more sensitive populations (e.g. the elderly or the very young). They have therefore been identified separately in Appendix A, and this sensitive population information has also been included in the Societal Risk calculations. For hospitals, the populations have been included for 24 hours per day (as for the residential population); for all other cases they have been included only during normal office hours.

It is noted in particular that there are two such facilities which are close to the gas holder site, both adjoining Marian Place, to the west of the site:

- St Peter’s North Community Centre
- Pritchard Road Day Centre

3. THE HSE LAND USE PLANNING SYSTEM

3.1 Summary of Land Use Planning Methodology

In order to understand how the land use planning system operates, it is important to have a clear understanding of the key terminology.

A **hazard** is simply an item of equipment or process which could lead to harm, i.e. it is the thing which presents the risk, such as a fuel tank or pipeline containing a hazardous substance.

A **risk** is the chance of specified level of harm occurring, such as the chance of fatality per year.

There are two main types of risk which may be relevant:

The **individual risk** is the chance of a particular individual incurring a specified level of harm (e.g. fatality). Individual risks are generally calculated for a hypothetical individual at a particular location, such as a member of a residential population who spends all their time at home, or a worker who spends say 25% of their time at a work location. Individual risks are often quoted in cpm (chances of occurring per million years).

The **societal risk** is a more complex measure which reflects the likelihood of numbers of people being affected in a particular event.

The societal risk can be characterised in a number of ways:

f-n pairs – A series of pairs of values for every possible major accident event, each pair giving the frequency (f) of the event and the number (n) of people affected by that event. This approach is rarely presented as there may be hundreds of such pairs.

FN curve – A graph which shows the cumulative frequency (F) of all events that could lead to N or more people being affected. This curve is derived from the basic f-n pairs, but is much easier to interpret.

Expectation Value (EV) or Potential Loss of Life (PLL) – The average number of people affected per year. It corresponds to the sum of the products of the f-n pairs, and is equal to the area under the FN curve. It provides a simple single measure of the societal risk, and is particularly useful in Cost Benefit Analysis (CBA).

Scaled Risk Integral (SRI) – A simple measure of societal risk devised by HSE for considering specific developments, which takes account of the number of people at the development, the risk to which they are exposed, and the area of the development.

The HSE is responsible for providing advice to Local Planning Authorities on proposed developments in the vicinity of major hazard sites in the UK. The HSE uses information provided by the site operators, generally in the Hazardous Substances Consent applications, to define the extents of 3 zones (Inner, Middle and Outer), which correspond to areas of progressively lower levels of risk. HSE's advice is provided through a system known as PADHI (Planning Advice for Developments near Hazardous Installations), and this system has now been disseminated for use by the Local Planning Authorities.

When a planning application is received by the Local Planning Authority (LPA) for a development which falls within the Consultation Distance (which is defined by the outer limit of the Outer Zone), the LPA uses a set of rules to determine the Sensitivity Level (1 to 4) of

the proposed development, and then applies the following decision matrix (Table 3.1, reproduced from PADHI) to determine whether or not HSE would advise against the development, depending on sensitivity and location. The sensitivity levels range from the least sensitive, Level 1 (working populations which could easily respond to emergency actions), to the most sensitive, Level 4 (e.g. the elderly or children, who could not easily respond to emergency actions), with some variations to allow for size and density of developments.

Table 3.1 - HSE Decision Matrix for Land Use Planning

Level of Sensitivity	Inner Zone	Middle Zone	Outer Zone
Level 1	Don't Advise Against	Don't Advise Against	Don't Advise Against
Level 2	Advise Against	Don't Advise Against	Don't Advise Against
Level 3	Advise Against	Advise Against	Don't Advise Against
Level 4	Advise Against	Advise Against	Advise Against

It is noted that, although the HSE rules are designed to minimise the number of people exposed, it is possible that they would allow some population types but not others. The main reason for this is related to the 'sensitivity' of the population. For example, although an industrial or commercial development may be allowed within the Inner Zone, this could be deemed acceptable by HSE because:

- a.) The personnel affected would only generally be present for around 25-30% of the time.
- b.) A workforce would be expected to be subject to regular fire drills, would be able-bodied and would be expected to be able to respond in an emergency

3.2 Major Hazards from Gasholder Site

The gas holder site is capable of storing around 215t of natural gas. It is used for around 6 months of the year (during winter) as a buffer store to smooth out the peaks of demand, in order to match this demand to a reasonably constant supply. The gas holders are filled during the night, and emptied during the day.

Natural gas comprises around 95% methane. Methane is a highly flammable gas, which can also explode if ignited within a congested region, but will more usually burn without any accompanying high overpressures. It is less dense than air, and hence will begin to rise if it is released into the atmosphere. For this reason, it is less likely to ignite than some other materials, such as LPG (propane/butane) which, since it is denser than air, will disperse at ground level.

Whilst the likelihood of a release of gas is relatively low, there is always a chance that corrosion, structural failure, human error or third party activity could lead to an accidental release. The severity of the incident will depend on the size of the breach, which could be anything from a tiny pinhole to catastrophic rupture. The main types of major accident event which could occur at the gas holder site would result from the ignition of a flammable release and are:

Fireball – If a large release of gas is ignited within a few seconds then a large fireball lasting 10 to 15 seconds may be produced, with very high levels of thermal radiation in all directions.

Jet Fire – Any ignition of gas will burn back to the point of release and may form a jet fire if the release is under pressure. Depending on the nature of the failure, the jet fire may be directed horizontally or vertically. Jet fires continue to burn for as long as the release of gas is not isolated, and the prolonged thermal radiation (or flame impingement) can lead to significant risks, although the impact tends to be relatively local.

Flash Fire – If a release of gas is not ignited within a few seconds of the release, then a cloud of gas will disperse downwind some distance from the point of release. If this cloud then finds a source of ignition, the area covered by the vapour cloud will burn rapidly as a flash fire, with significant risks to all those within the flash fire envelope. The flash fire would probably be followed by a jet fire.

Vapour Cloud Explosion – This is similar to a flash fire, except that, if the vapour cloud is in a partially confined area, then the ignition of the cloud could also lead to a vapour cloud explosion (VCE), generating significant levels of blast overpressure, which would present a risk to people beyond the flash fire envelope.

For the gas holder site, the main concern is a major fireball following catastrophic vessel failure, but lesser events, such as flash fires and VCEs, could also have off-site impact. Jet fires tend to be more local in their effects. Since any release from the gas holder will be at low pressure, the 'jet fire' type event will not have significant momentum, and in many cases would form a vertical wall of flame around part of the circumference of the gas holder, described in this assessment as a seal fire. Also, as noted above, the buoyancy of the natural gas will make it less likely to ignite downwind, and this effect has been accounted for in the QRA modelling.

Most credible fire events are relatively limited in extent (see Section 4). However, the worst case events, fireballs which could involve the complete contents of a single gas holder (i.e. up to 92t), can cause significant damage and potential fatality for distances of order hundreds of metres. It is the inclusion of such events, previously considered as 'incredible', which has caused HSE to increase their Consultation Distance at this site from 60m to around 300m.

3.3 Application of PADHI to Proposed Development

The primary risk which has been identified at the site is a fireball, either from a complete holder collapse (100% of holder contents involved), or from a decoupled seal (50% of holder contents involved). In practice, the decoupled seal events are taken by HSE to define the land use planning zones since complete holder collapse events are much less likely.

A fireball could occur as the result of the immediate ignition of a large volume of gas released to the atmosphere. For the quantities of gas within the Bethnal Green gas holders, the fireball radius (FBR) is of order 100m, and the duration of the event is around 15 seconds. The effects of a fireball are as follows:

- a) Within the FBR, there is a high probability that anyone exposed, either outdoors or indoors, could become a fatality. This is taken as the boundary of the Inner Zone.
- b) The next level of hazard relates to a normal person exposed outdoors receiving a 'Dangerous Dose', which is a combination of thermal radiation (I, in units of kW/m²)

and exposure time (t, seconds) such that $I^{4/3}t = 1000$ thermal dose units (tdu). This is taken as the boundary of the Middle Zone.

- c) The final level of hazard relates to a sensitive person exposed outdoors receiving a 'Sensitive Dose', which is set at $I^{4/3}t = 500$ thermal dose units (tdu). This is taken as the boundary of the Outer Zone.

The use of the PADHI matrix shown in Table 3.1 then requires an assessment of the sensitivity category of the development. From the PADHI sensitivity table (see excerpt in Appendix B), it can be seen that up to 30 units of housing would be considered to be Sensitivity Level 2 (DT2.1). There is an exception, however, such that the housing density should not exceed 40 units/ha. In this case, there are 14 units in an area of 0.056ha, which gives a density of around 250 units/ha, and therefore moves the development into Sensitivity Level 3 (DT2.1X3). From Table 3.1, it can be seen that this would be allowed within the Outer Zone, but would not be allowed within the Middle or Inner Zones.

The Inner Zone extends to around 100m from the centres of the gas holders, and, as can be seen in Figure 2.3, the proposed development is completely covered by this zone. It is also noted that the earlier HSE assessments gave a Consultation Distance of 60m from the edge of the larger gas holders. In either case, the HSE screening tool would provide an initial 'Advise Against' decision.

As an alternative to the above hazard-based approach, HSE also use the concept of Dangerous Dose, which is sometimes taken to represent a probability of fatality of around 1% for an average population, but is generally taken to correspond to a level of harm which would cause:-

- Severe distress to almost everyone.
- A substantial fraction of the exposed population needing medical attention.
- Some people to be seriously injured, requiring prolonged treatment.
- Any highly susceptible people possibly being killed.

When HSE use this concept, they determine the risk to an individual of receiving a Dangerous Dose or more of whatever harm is being considered. The Inner Zone is then set at 10cpm of exceeding the Dangerous Dose, the Middle Zone at 1cpm, and the Outer Zone at 0.3cpm. It is noted, however, that Societal Risk calculations are generally based on the risk of fatality.

4. ASSESSMENT OF RISKS FROM GASHOLDER SITE

4.1 Site Description

National Grid's Bethnal Green gas holder site occupies an area of around 150m x 150m to the SW of Regents Canal in the northern part of the borough of Tower Hamlets. It includes 4 gas holders of the cup and grip water seal type, each of which consists of a series of co-axial cylinders which are able to rise and fall depending on the quantity of gas to be stored. Each cylinder is sealed against the next one by a series of water-filled troughs which are replenished as each seal drops back into the bottom cylinder, which acts as a reservoir. The details of the gas holders are as follows:

- No 1 4 lifts 26 t capacity
- No 2 2 lifts 19 t capacity
- No 4 3 lifts 78 t capacity

- No 5 3 lifts 92 t capacity

The typical operational profile for a gas holder is as follows. Gas holders are not used for 5-6 months in a year so they are at minimum stock level. The gasholders are in operation for 6-7 months in the year and the normal operating model is that the gasholders are filled and emptied on a diurnal cycle; they are filled from approximately 22.00 hours to 06.00 hours and emptied from 06.00 hours to 22.00 hours.

In addition to the gas holders, there is pipework connecting this storage to the main gas network. Most of this pipework is 36" diameter and is buried, although there are some smaller sections of 24" and 30" diameter above ground. There is around 600m of pipework on the site above and below ground, together with a number of valves. These valves are mostly situated to the west of the site. Indeed, the closest approach of any overground pipework to the site boundary adjacent to the development at 33 - 37 The Oval is around 70m. The gas holders and much of the pipework are at low pressure, although there is some of the distribution pipework which is up to around 7 bar.

4.2 Existing Assessments

4.2.1 HSE

The assessment undertaken by HSE is based upon their standard methodology as described in Section 3.3. The reasons for using the specific event (decoupled seal resulting in fireball involving 50% of maximum contents) as a basis for setting the zones are based upon a recent review of gas holder accident statistics. This review identified a number of such large ignited events in the early part of the 20th century, and used these to demonstrate that such events were credible enough to form the basis of the Land Use Planning Zones.

It should be noted that HSE's assessment on this basis primarily considers 'credible' consequences, and does not constitute a complete Quantified Risk Assessment (QRA); in order to do so, it would have to include some of the lesser events which have higher frequencies but shorter hazard ranges. Whilst this would not affect the planning zones significantly, inclusion of such events is relevant to the risk at locations close to the gas holders, such as the development under consideration at The Oval.

In summary, therefore, it is emphasised that the HSE assessment is primarily a high-level screening tool which allows simplified and consistent responses to be made to individual planning cases.

4.2.2 National Grid COMAH Report

Since the site has potential hazardous storage which exceeds the COMAH threshold, a Safety Report, demonstrating that the risks are being managed to a level which is As Low As Reasonably Practicable (ALARP), has been produced by the operator, National Grid. This document includes a section on 'Hazard Information', which identifies possible accidental events, and provides estimates of the effects of such events. A copy of the relevant section (Section 4), together with the hazard range contours from Appendix 5, was supplied by National Grid in order to assist with this assessment.

The events considered are:

- Split in 750mm medium pressure pipework
- Release through water tank seal

- Cup and grip seal failure
- Fracture of 750mm pipework
- Fracture of 600mm pipeline
- Decouplement
- Total loss of inventory of gas holder
- Gasholder internal explosion (Split Crown explosion)
- Release of gas holder water
- Firewater runoff

The last two of these were included in order to cover potential environmental effects, and will not be considered in this study. For the remaining cases, calculations were provided, where appropriate, of the dispersion of gas releases in wind speeds of 2, 5 & 10 m/s, so that worst case effects could be identified. Distances to the Lower Flammable Limit (LFL) were given, which showed the hazard ranges for flash fires.

Results for fires were presented in the form of distance to the following effects:

- 1000 tdu, representing serious injury or 1% fatality probability
- 1 kW/m², representing minor burn injury (skin blistering)
- 15 kW/m², representing piloted ignition of wood

Results for explosions were presented in the form of distances to the following effects:

- 40 mbar, representing 90% window glass breakage
- 200 mbar, representing serious structural damage to buildings

The greatest hazard ranges occur for total loss of inventory of gas holder, for which minor burn injury distances ranged from 320m for Gas Holder 2 to 580m for Gas Holder 5. These are closely followed by the hazard ranges for decouplement, for which minor burn injury distances ranged from 250m for Gas Holder 1 to 350m for Gas Holder 5. (Gas holder 2, containing only 2 lifts, was not considered to be capable of decouplement.) The cup and grip seal failure events gave minor burn injury distances which ranged from 71m for Gas Holder 1 to 90m for Gas Holder 5. The release through water tank seal events gave minor burn injury distances of around 40 - 60m.

The greatest hazard ranges for releases from pipework are a dispersion distance of 77m (flash fire distance), and 57m for minor burn injury, both associated with the fracture of 750mm pipework. The gasholder internal explosion events gave hazard ranges for 90% window glass breakage which ranged from 120m for Gas Holder 2 to 205m for Gas Holder 4.

The information which was supplied did not include any estimates either of the frequency of these events, nor of their severity (i.e. number of people affected). Both these issues are important in the present context, since most of the large hazard range events would have extremely low frequencies. In addition to this, the ranges of many of the smaller events would either not extend beyond the gas holder site, or would only affect small numbers of people occupying nearby industrial premises.

4.2.3 Institution of Gas Engineers

Whilst not an assessment which is specific to this site, the Institute of Gas Engineers and Managers has produced a publication (Reference 1) which provides safety recommendations in relation to developments around gas holder sites. These set a distance of 18m within which buildings would not normally be allowed, on the basis that gas released from minor leaks on the gas holder seals could be drawn into any building within this distance and reach an ignition source. This rule of thumb is based upon calculation of the dispersion of gas from typical seal leaks in a range of credible wind speeds.

For example, it is found that the lighter-than-air methane will rise at low to moderate wind speeds, and is only likely to affect low level locations beyond 18m in high wind speed conditions which are relatively rare. The 18m value is derived from the dispersion calculations for a 5m/s wind in neutral (D stability) conditions, which is generally typical for prevailing winds in the UK (see Section 4.4.2).

4.3 Hazard Identification/Screening

The National Grid COMAH Report for the Bethnal Green site (Reference 2), along with the HSE Safety Report Assessment Guide for Methane Gas Holders (Reference 3), have been reviewed as part of the Hazard Identification process. The following represents a complete list of generic gas holder hazards, which have been identified within either of these reports;

- Catastrophic gas holder failure - 100% contents into fire ball / flash fire
- Split crown accident - 100% contents into fire ball / flash fire
- Decoupled lift - 50% contents into fire ball / flash fire
- Water seal failure over 10m - seal fire / flash fire
- Waterless seal failure - internal explosion
- Puncture of holder, 1m diameter - wall fire / flash fire
- Overfill - ignited flare
- Filling/export line failure at worst case locations
- Pipeline rupture - fireball / jet fire / flash fire / Vapour Cloud Explosion (VCE)
- Pipeline puncture - fireball / jet fire / flash fire / VCE
- Pipeline small leak - jet fire / flash fire
- Pressure regulator failure – VCE

Of the list of generic hazards above, a number of hazards are not considered to be credible at the Bethnal Green site. These hazards omitted from this QRA have been identified in Table 4.1 below along with a justification for their exclusion.

Table 4.1 - Hazards excluded from consideration within this study

Hazard description	Justification for exclusion of hazard
Catastrophic holder failure / Decoupled lift - flash fire	The density of methane (and hence its buoyancy) is such that any instantaneous release of a large volume would rise at such a rate as to clear the dispersing cloud of any potential delayed ignition source. (Note that instantaneous ignition is considered with the fireball event, and the consequences of any other ignited release would be bounded by that event).
Split crown - flash fire	Split crown events are caused by over extraction of gas from the holders, which creates abnormal stresses on the domed head of the holder in a near empty scenario. In this instance it is hard to envisage a release of a significant volume of methane from the gas holder.
Waterless seal failure - internal explosion	The gas holders in question are water sealed.
1m diameter puncture of holder wall	The causes of such an event are considered extremely unlikely. The holders are protected by concrete bollards and the perimeter of the site is fenced off from public access. Catastrophic failure of the holders has been considered to account for failure by earthquakes, aeroplane collision etc. Note that the National Grid COMAH document for the Bethnal Green site has also omitted this event.
Pipeline puncture - fireball / jet fire / flash fire / VCE	For the purpose of Location Specific Individual Risk calculations, these events are bounded by the rupture of the 30" diameter pipework at the worst case location.
Pipeline small leak - jet fire / flash fire	For the purpose of Location Specific Individual Risk calculations, these events are bounded by the rupture of the 30" diameter pipework at the worst case location.
Pressure regulator failure – VCE	For the purpose of Location Specific Individual Risk calculations, these events are bounded by the rupture of the 30" diameter pipework at the worst case location.
Decouplement of Gas Holder No. 2 only	This gas holder comprises two lifts which makes decouplement highly unlikely. Note that this is consistent with the National Grid COMAH document for the Bethnal Green site.

The list of hazards considered within this Quantitative Risk Assessment is therefore:

- Catastrophic failure - fireball
- Split crown - VCE
- Decouplement of lifts - fireball
- Water seal failure - seal fire
- Water seal failure - flash fire
- Overfill jet fire
- Pipework rupture - flash fire
- Pipework rupture - VCE

- Pipework rupture - jet fire

4.4 QRA input data

The following is a summary of the key inputs into the Atkins Quantitative Risk Assessment software RiskTool, which has been used for many similar assessments, and has also been used in some recent studies for HSE.

4.4.1 Population Information

The population data supplied by Tower Hamlets are given in Appendix A. These are used in the RiskTool modelling in different ways, depending upon the amount of time particular groups are likely to be present. For example, it is assumed, as a worst case, that the residential population will be present for 100% of the time, whereas the employee population will only be present during the working day. The major hazard events which have been modelled may also have different effects depending on whether the persons affected are indoors or outdoors. The risk modelling takes this into account, and assumes the following:

Table 4.2 - Assumptions on population locations

Time Period	Indoor	Outdoor
Day time	90%	10%
Night time	99%	1%

The situation for sensitive populations is not so simple. For example, schools and day centres will only generally be occupied during the day, whereas any hospital / care institutions would be occupied 24 hours per day. The only such facility considered in Appendix A is St Joseph’s Hospice, for which the ‘residential’ assumption is used. All other sensitive locations identified will be treated in the same way as for the employee population, and will be considered to be present only during the day time.

4.4.2 Weather data

Some of the events identified involve the dispersion of gas released from pipework, or from the gas holders. The consequences of such releases will depend upon the wind speed and direction, and dispersion modelling has been undertaken for typical and worst case conditions. These are F2, D5 and D8 conditions, where the notation, which is standard in this context, is:

- F - Stable conditions (light wind, little mixing)
- D - Neutral conditions (higher wind, turbulent mixing)
- 2 - Wind speed = 2 m/s
- 5 - Wind speed = 5 m/s
- 8 - Wind speed = 8 m/s

The low wind speed (F2) is chosen since it normally represents a worst case, in which the mixing is suppressed. In this case, any gas released will rise because of the buoyancy effects, but could become deflected back towards ground level (where it is more likely to

encounter an ignition source) in higher wind speeds; hence the use of the extra D8 weather category.

Wind directional probabilities are taken from Heathrow Airport data, and are shown in Table 4.3 below. The direction represents that from which the wind is blowing.

Table 4.3 - Wind directional probability

Wind Direction (° from N)	341 - 10	11-40	41 - 70	71-100	101-130	131-160	161-190
Probability (%)	7.57	9.50	6.24	4.99	3.87	3.54	8.26

Wind Direction (° from N)	191-220	221-250	251-280	281-310	311-340	Calm	Total
Probability (%)	15.04	13.39	10.97	7.22	7.12	2.26	99.97

The probabilities associated with the wind speed conditions identified above are:

- F2 - 20%
- D5 - 79%
- D8 - 1%

It is noted that the National Grid COMAH document uses D10 as the high wind speed condition. However, since analysis of the Heathrow data indicated that such high values were of extremely low probability, the D8 category was chosen on the basis that it would be expected for around 1% of the time.

4.4.3 Harm criteria

This QRA has been undertaken to determine the risk of fatality to people either indoors or outdoors. The criteria applied depend on the type of effect and the type of event, and there is also some allowance made for the protection afforded by being indoors. These criteria are set out for the various event types below.

Risks of fatality have been calculated using probit equations (Reference 5), which relate the dose received to the probability of a particular level of harm, such as fatality. The probit is a non-dimensional number which relates to a specific probability of fatality via the Normal Probability Distribution, as shown in Table 4.4.

Table 4.4 - Relationship between probit and fatality probability

Probit	Probability of Fatality
2.67	1%
5.00	50%
7.33	99%

The precise relationship between the probit Y and probability is defined by:

$$Probability = \frac{1}{\sqrt{2\pi}} \int_{u=-\infty}^{u=Y-5} \exp\left(-\frac{u^2}{2}\right) du$$

where u is an integration variable.

Explosion

The blast overpressure and impulse effects associated with vapour cloud explosion events have the potential to cause injury/fatality to building occupants by:

- causing building collapse;
- generating missiles which impact the occupants; or
- propelling occupants against structures.

To predict the probability of occupant fatality due to explosion effects, vulnerability curves are presented in Reference 4. These curves depict the relationship between the peak side-on blast overpressure and the probability of occupant fatality for 4 different building types:

- 1 - Hardened structure building: special construction, no windows.
- 2 - Typical office block: four storey, concrete frame and roof, brick block wall panels.
- 3 - Typical domestic building: two storey, brick walls, timber floors.
- 4 - ‘Portacabin’ type timber construction, single storey.

The curve chosen (Curve 2) is considered to be representative for the proposed development, as can be seen from Figure 2.2.

For those personnel outdoors, a probit relationship is used to estimate the probability fatality resulting from the predicted level of blast overpressure. The probit implemented into RiskTool is:

$$Probit = 1.47 + 1.35 \ln(P), \quad \text{where : } P = \text{overpressure (psi)}$$

Fireball, jet fire, seal fires

Scenarios involving the release and ignition of flammable substances have the potential to cause fatalities by exposing individuals to high thermal radiation “dose” levels.

For fireballs, a probit relationship (Reference 6) is used to estimate the probability of fatality resulting from the predicted thermal dose indoors. The probit implemented in RiskTool is:

$$Probit = -14.9 + 2.56 \ln(tdu)$$

where :

$$tdu = 3150 R^2/x^2 - 150 \text{ (Reference 7)}$$

R = fireball radius (m)

x = distance from fireball (m)

For jet fires, the probability of fatality indoors is assumed to relate to the thermal radiation level outdoors (I) according to the following criteria (Reference 8) :

- I > 25.6 kW/m² outdoors implies 100% fatality indoors
- 14.7 < I < 25.6 kW/m² outdoors implies the same fatality probability as outdoors (i.e. people indoors would try to escape)
- I < 14.7 kW/m² outdoors implies 0% fatality indoors

For those personnel not located in buildings, the same thermal dose response probit relationship is used to predict the probability of fatality from all thermal radiation effects. However, in this case, the outdoor thermal dose is used ($tdu = I^{4/3} \times t$) (Reference 9).

An exposure time (t) is required in order for the probability of fatality to be derived, and this is an output only from the fireball model. However, for this assessment an exposure time for the effects of jet fires of 20 seconds is used for persons located outdoors, after which time it is assumed that they will have escaped to a place of safety (Reference 10).

Flash fires

In general, flash fires only present a hazard to those personnel trapped or located within the flammable envelope of the cloud, although flame penetration may also occur through open or failed windows and doors. For people adjacent to a window, it is reasonable to assume that the effects of flame penetration will be the same as if they were outside. For people not adjacent to windows, the direct effects of flame penetration are not so easily defined.

Even if flame penetration does not occur, occupants may be exposed to heat radiated through windows. The resulting thermal dose may be sufficiently high to cause 50% fatality for an average population adjacent to the window, although the thermal dose drops significantly (equivalent to less than 1% fatality at 0.7 m) away from the window (Reference 11).

In the event of a flash fire, approximately 5% of those who are sheltered by typical domestic housing will be fatalities as a result of secondary fires (Reference 9). Based on the above discussion, the probability of fatality indoors, within the outdoor LFL envelope, is taken to be 10% (best estimate).

For those persons located outdoors, it is assumed that if they are located within the potential envelope of the un-ignited cloud (i.e. the area covered by the LFL), then the probability of fatality is 1 in the event of ignition (Reference 12).

Dangerous Dose criteria

Risk calculations have also been undertaken using the ‘Dangerous Dose’ concept, for direct comparison with the way in which HSE set the planning zones (see Section 3.3). The criteria used for this part of the assessment are given below:

	Outdoor	Indoor
Fireballs	1000 tdu	1000tdu

VCEs from holders	140 mbar	140 mbar
Seal fires and jet fires	1000 tdu	1000 tdu
Flash fires	100% in cloud envelope	0% in cloud envelope

4.5 Consequences of Major Hazard Events

This section represents a summary of the manner in which the major hazards have been modelled in order to determine their consequences.

The Quantitative Risk Assessment carried out has been based on a limited amount of available site data. In a small number of instances, where site data have been insufficient to determine hazard consequences, the consequence results of the National Grid COMAH study have been replicated within this report by adjusting modelling inputs. Below is a summary of the data which have been obtained in this manner;

- 1 The release rate from seal leaks has been taken as 1.35m³/s per metre of water seal (as per Reference 13).
- 2 The release rate from pipework ruptures has been matched to National Grid dispersion results to give 15 kg/s from a rupture of the 30" line. Note that the 36" pipe line at the site is buried beneath the ground.
- 3 The overpressures created by split crown VCE events have been calculated using 1.5% of the volume of the gas holder maximum working capacity. This value has been taken based upon matching the 'distance to overpressure' results presented by the National Grid.

For consequences which depend on the wind, the conditions used have been taken as F2, D5, D8 (see Section 4.4.2).

4.5.1 Fire Modelling

Fireballs

For the purposes of this study, the fireball resulting from a catastrophic failure being ignited immediately has been assumed to involve the full contents of the gas holder (50% for decouplement events). The fireball has been assumed to be just touching the ground and to have a diameter (D) given in terms of the mass of fuel M_F (kg) (Reference 14) by:

$$D = 5.8 M_F^{1/3} \text{ (metres)}$$

The fireball duration (T) in seconds is given as (Reference 15):

$$T = 0.45 M_F^{1/3} \quad \text{for } M_F < 37,000 \text{ kg}$$

$$T = 2.59 M_F^{1/6} \quad \text{for } M_F > 37,000 \text{ kg}$$

The level of thermal radiation has been based on the solid flame model as described by Crossthwaite (Reference 7). The thermal radiation is given by:

$$I = F E t_a$$

where:

$$I = \text{Thermal radiation intensity (kW/m}^2\text{)}$$

F = View Factor

E = Surface emissive power (kW/m²).

t_a = Atmospheric transmissivity, taken as 1 – 0.0565 ln(x – R) for x>R+1

x = Horizontal distance between receptor and fireball centre (m)

R = Fireball radius (m)

Flash fires

For flash fires, dispersion to the Lower Flammable Limit values has been modelled using the HGSYSTEM HEGADAS-S code within CIRRUS, with a surface roughness of 0.3m to represent the suburban environment.

The consequences of flash fires are calculated in terms of the flammable gas concentration versus distance, with the length of the region covered by the flash fire taken to be the distance to the Lower Flammable Limit. Within the modelling, the effects of flash fires are represented as a step function; i.e. the probability of fatality outdoors within the cloud area is one, whereas outside the cloud area it is zero. No account has therefore been taken of any distance/heat radiation decay relationships when assessing flash fire hazards. For indoor populations, the probability of fatality is 10% within the LFL envelope, and 0% outside of this boundary.

Jet fires

Jet fires have been modelled using the SHELL Chamberlain Jet Flame Model which has been coded within the Atkins RiskTool computer code.

Seal fires

Thermal radiation from seal fires has been modelled using a simple 'point source' model. Modelling has assumed a release rate of 1.35m³/s per meter of water seal (as per Reference 13). A value of 0.3 has been taken as the proportion of the heat of combustion emitted from the fire.

4.5.2 Explosion Modelling

Vapour cloud explosions

The consequences of vapour cloud explosions have been modelled using the TNO 'Multi-Energy' model (Reference 16), with explosion strength 7. The overpressure effects from the explosion are determined by the material involved in the explosion and the volume of the gas cloud. This volume has been estimated on the basis of the lateral and vertical extent of flammable clouds suggested by dispersion modelling, and by the estimated volume of nearby congested plant areas where build-up of gas is possible, as follows:

For VCE from a pipeline release, the combustible volume was calculated based upon site drawings, and estimation of the volume of congested areas close to the source of the leak (between the 'valve room', 'MEG storage tank' and Gas Holder 4. The stoichiometric mixture of the cloud of air/methane was then used in explosion calculations. Where the estimated flammable cloud volume was less than the maximum congested volume, the calculated lower value was used in the explosion modelling.

Split crown explosions

The overpressures created by split crown VCE events have been calculated using a 1.5% volume of the gas holder maximum working capacity. This value has been taken based upon a back calculation from the 'distance to overpressure' results presented within the National Grid COMAH report.

4.6 Frequencies of Major Hazard Events

Base event frequencies

The base case frequencies for the hazards considered are summarised below. These frequencies relate to the unignited releases, except where otherwise indicated. The probability of ignition for the various events is described later in this section.

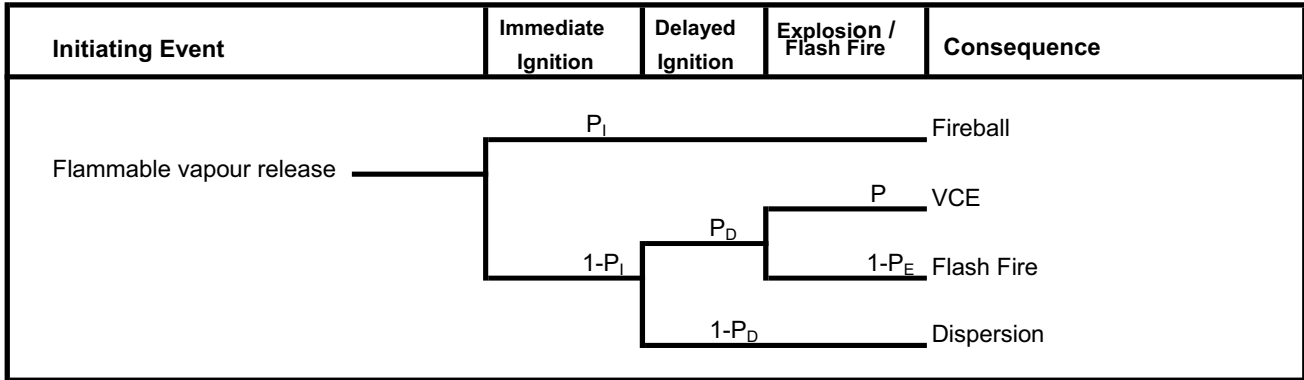
Table 4.5 - Initiating event frequencies used in QRA

ID	Initiating event	Frequency (/ holder / yr)	Reference for initiating frequency
a	Catastrophic vessel failure	2.00E-06 ⁺	Appendix C Table C7
b	Split crown event	1.00E-06 ⁺	See 'Ignition probabilities' section below
c	Decouplement of lifts	2.00E-05 ⁺	Appendix C Table C7
d	Seal failure	1.40E-03	Appendix C Table C5
e	Overfill event	5.60E-04	Appendix C Table C5
f	Pipework rupture	3.10E-04	Reference 17
g	Pipework major leak	8.47E-03	Reference 17
h	Pipework minor leak	8.08E-02	Reference 17

+ value includes probability of ignition

The following diagram shows a graphical representation of the events which may follow a flammable vapour release. Each branch of this event tree represents a different conditional probability of ignition.

Flammable release event tree



Ignition probabilities

The ignition probabilities for the catastrophic failure and decouplement events (labelled a and c in Table 4.5 above) have already been factored in to the event frequencies calculated from historical data in Appendix C. For the case of a split crown VCE event, an ignited split crown event frequency of 10^{-6} has been used, based upon the re-assessment which HSE has quoted in some of their more recent Panel Papers. For the remaining continuous release events, the ignition probability varies depending upon the release rate. These ignition probabilities have been calculated using Reference 17 and are summarised below in Table 4.6.

Table 4.6 - Ignition probabilities used for continuous releases (Reference 17)

Ignition event	Release rate (kg/s)	Ignition Probability	
		Immediate	Delayed
Gas holder 1 overflow	0.79	4.19E-03	*
Gas holder 2 overflow	0.58	3.98E-03	*
Gas holder 4 overflow	2.35	5.05E-03	*
Gas holder 5 overflow	2.84	5.21E-03	*
Gas holder 1,2,4,5 seal fail	9.20	6.42E-03	5.97E-02
30" pipe release	15.00	6.92E-03	8.07E-02

* All such events considered to be immediate ignition

Wind direction

Historical data taken from Heathrow airport weather station have been used to determine the probability of the wind blowing from various sectors of the wind rose. These data are represented in Table 4.3 above.

Seal fire probability

Seal fires could occur at any point on the circumference of the gas holders. In order to keep the total number of events modelled in RiskTool manageable, each gas holder has been divided into 4 quadrants, and the seal fire probability split equally between each location. For offsite risk determination, not all of these points on the circumference of each holder will radiate outwards from the gas holder site in the case of a seal fire. Therefore the quadrants have been arranged using site plans to ensure that the offsite effects (in particular those at the development site, and at other nearby densely populated sites) are realistically and conservatively modelled.

4.7 Overall Risk Assessment

4.7.1 Presentation of results

The following is a summary of the frequency and consequence data used in the Quantitative Risk Assessment (Table 4.7).

Table 4.7 - Summary of Frequency and Consequence Data for all hazards analysed

Vessel	Event	Frequency with ignition (/yr)	Consequence criterion & units	Approx hazard range to criterion (m)
GH1	Catastrophic failure fireball	2.00E-07	FB radius	82.0
GH1	Decouplement fireball	2.00E-06	FB radius	65.0
GH1	Seal failure seal fire	6.75E-06	1000 tdu	23.0
GH1	Overfill jet fire	2.35E-06	1000 tdu	31.0
GH2	Catastrophic failure fireball	2.00E-07	FB radius	74.0
GH2	Seal failure seal fire	6.75E-06	1000 tdu	23.0
GH2	Overfill jet fire	2.23E-06	1000 tdu	28.0
GH4	Catastrophic failure fireball	2.00E-07	FB radius	118.0
GH4	Decouplement fireball	2.00E-06	FB radius	94.0
GH4	Seal failure seal fire	6.75E-06	1000 tdu	23.0
GH4	Overfill jet fire	2.83E-06	1000 tdu	44.0
GH5	Catastrophic failure fireball	2.00E-07	FB radius	126.0
GH5	Decouplement fireball	2.00E-06	FB radius	100.0
GH5	Seal failure seal fire	6.75E-06	1000 tdu	45.0
GH5	Overfill jet fire	2.92E-06	1000 tdu	30.0
30"	Pipework rupture jet fire	2.14E-06	1000 tdu	107.0
GH1	Split crown VCE	1.00E-06	200 mbar	44.0
GH2	Split crown VCE	1.00E-06	200 mbar	39.0
GH4	Split crown VCE	1.00E-06	200 mbar	60.0
GH5	Split crown VCE	1.00E-06	200 mbar	67.0
30"	Pipework rupture VCE	3.74E-06	200 mbar	60.0
GH1	Seal failure flash fire (F2)	1.12E-05	5% vol	18.6
GH1	Seal failure flash fire (D5)	4.41E-05	5% vol	13.7
GH1	Seal failure flash fire (D8)	5.58E-07	5% vol	11.5
GH2	Seal failure flash fire (F2)	1.12E-05	5% vol	18.6

Vessel	Event	Frequency with ignition (/yr)	Consequence criterion & units	Approx hazard range to criterion (m)
GH2	Seal failure flash fire (D5)	4.41E-05	5% vol	13.7
GH2	Seal failure flash fire (D8)	5.58E-07	5% vol	11.5
GH4	Seal failure flash fire (F2)	1.12E-05	5% vol	18.6
GH4	Seal failure flash fire (D5)	4.41E-05	5% vol	13.7
GH4	Seal failure flash fire (D8)	5.58E-07	5% vol	11.5
GH5	Seal failure flash fire (F2)	1.12E-05	5% vol	18.6
GH5	Seal failure flash fire (D5)	4.41E-05	5% vol	13.7
GH5	Seal failure flash fire (D8)	5.58E-07	5% vol	11.5
30"	Pipework rupture flash fire (F2)	4.24E-07	5% vol	18.6
30"	Pipework rupture flash fire (D5)	1.67E-06	5% vol	13.7
30"	Pipework rupture flash fire (D8)	2.12E-08	5% vol	11.5

The integration of frequencies and consequences from the identified hazards has been conducted using RiskTool. Table 4.8 below gives a summary of the Individual Risk output from the software for the proposed development (nearest & furthest) for a residential population present 100% of the time, and the percentage contribution of each scenario to these risks is also shown. The effective risk for an office worker, present for 25% of the time at the nearest part of the development, will be around 3cpm.

Table 4.8 - Location Specific Individual Risk Results (cpm) at development

Location	Development nearest	Development furthest
Risk	11.7 [15.4]	5.7 [8.9]
Fireballs	58%	94%
Split crown VCEs	8%	4%
Seal fires	33%	0%
Jet Fires	<1%	<1%
Flash Fires	<1%	0%
Pipework events	1%	1%

Note: Risks quoted are Individual Risk of Fatality; Risks of receiving a Dangerous Dose or more are given in parentheses []

Since there are uncertainties in the modelling, some sensitivity cases have been undertaken. The variants which have been covered are indicated below, and the results are given in Table 4.9:

- Increased Fireball Freq* Ignition probability increased from 0.1 to 0.5
- Decreased VCE mass %* 0.75% holder volume used (instead of 1.50%)
- CIA building Category 1 or 3* Instead of CIA building Category 2

Table 4.9 - Sensitivity of Individual Risk Results (cpm) at development

Location	Development (nearest)		Development (furthest)	
	Fatality	Dangerous Dose	Fatality	Dangerous Dose
Base Case	11.7	15.4	5.8	8.9
Increased Fireball Freq	40.4	51.6	28.4	45.1
Decreased VCE mass%	11.3	15.4	5.6	7.9
CIA building Category 1	10.7	15.4	5.5	8.9
CIA building Category 3	11.9	15.4	6.1	8.9

Estimates of Societal Risk are also given, in the FN curve shown in Figure 4.1.

4.7.2 Robustness of results

Risks have also been calculated on a Dangerous Dose basis (see Section 4.4.3), and the results were found to be broadly consistent with the current HSE planning zones. The sensitivity studies reported in Section 4.7.1 have shown that the predicted ranges on a risk of fatality basis are 11-40 cpm at the western site boundary and 6-28 cpm at the eastern site boundary. The value of 11.7 cpm for the base case ('nearest') is therefore considered to be representative of the actual risk of fatality at the development.

A further consideration is the magnitude of the Societal Risk. The FN Curve in Figure 4.1 lies between the HSE comparison lines, as would be expected for most Top Tier COMAH sites. Indeed, because the FN line is around an order of magnitude below the upper comparison line, the site would not be considered to have a particularly high societal risk. This arises because the area close to the gas holder site is currently primarily occupied by industrial or commercial, rather than residential, premises. Figure 4.1 also includes the FN curve for the pre-development case, identified as 'Pre-Development'.

5. DISCUSSION OF ISSUES

5.1 Individual risk considerations

The individual risk of fatality at 33-37 The Oval is estimated to be around 12 cpm for a typical residential population. This compares with the individual risk of receiving a *dangerous dose* of around 10 cpm (which corresponds to a risk of fatality of around 2-5 cpm) at the inner zone boundary. The results of this assessment are therefore clearly consistent with the screening process which is applied within the PADHI system: i.e. this value is high compared with the level at which HSE would Advise Against for any development containing more than a few people.

It is further noted (see comments below Table 3.1) that the risks to a workforce would be effectively reduced to around 3cpm since any individual would only be present for around 25% of the time. Within certain limits on the numbers of people involved, HSE would therefore not 'Advise Against' such non-residential developments at this location.

5.2 Comparison with other risks

In order to help understand the level of risk at the proposed development, it is worthwhile to compare it with historical data on the other risks to which people are typically exposed. HSE’s ‘Reducing Risks, Protecting People’ document (Reference 18) provides some data on the risks to which people are routinely exposed. Some of this information is reproduced below, in terms of risk of fatality as annual experience per million, or chances per million years (cpm).

Annual risk of death (entire population)	10,309 cpm	(1 in 97)
Annual risk of cancer	2,584 cpm	(1 in 387)
Annual risk from all types of accident	246 cpm	(1 in 4,064)
Annual risk from all forms of road accident	60 cpm	(1 in 16,800)
Construction	59 cpm	(1 in 17,000)
Agriculture, hunting, forestry and fishing	58 cpm	(1 in 17,200)
Manufacturing industry	13 cpm	(1 in 77,000)

These risks can be compared with the additional annual risk for the most exposed people at the proposed development of up to about 12 cpm (once in 50,000 years) due to major accidents. For example, the annual risk of death for the most exposed person would increase by about 0.12% (from 10,309 to 10,321 cpm), and this increase would be less than a twentieth of the risk of dying in all types of accident.

5.3 Levels of Risk and their Acceptability

Based on the results in Section 4.7 it is estimated that the total level of individual risk of fatality for a resident at the new development is around 12 cpm. In order to set this level of risk in the context of typical major hazard risks, it can usefully be compared with standard risk tolerability criteria. The HSE’s framework for judging the tolerability of risk is represented in Figure 5.1, and described in paragraphs 122 to 124 of R2P2 as follows:

The triangle represents increasing level of ‘risk’ for a particular hazardous activity (measured by the individual risk and societal concerns it engenders) as we move from the bottom of the triangle towards the top. The dark zone at the top represents an unacceptable region. For practical purposes, a particular risk falling into that region is regarded as unacceptable whatever the level of benefits associated with the activity. Any activity or practice giving rise to risks falling in that region would, as a matter of principle, be ruled out unless the activity or practice can be modified to reduce the degree of risk so that it falls in one of the regions below, or there are exceptional reasons for the activity or practice to be retained.

The light zone at the bottom, on the other hand, represents a broadly acceptable region. Risks falling into this region are generally regarded as insignificant and adequately controlled. We, as regulators, would not usually require further action to reduce risks unless reasonably practicable measures are available. The levels of risk characterising this region are comparable to those that people regard as insignificant

or trivial in their daily lives. They are typical of the risk from activities that are inherently not very hazardous or from hazardous activities that can be, and are, readily controlled to produce very low risks. Nonetheless, we would take into account that duty holders must reduce risks wherever it is reasonably practicable to do so or where the law so requires it.

The zone between the unacceptable and broadly acceptable regions is the tolerable region. Risks in that region are typical of the risks from activities that people are prepared to tolerate in order to secure benefits, in the expectation that:

- the nature and level of the risks are properly assessed and the results used properly to determine control measures. The assessment of the risks needs to be based on the best available scientific evidence and, where evidence is lacking, on the best available scientific advice;
- the residual risks are not unduly high and kept as low as reasonably practicable (the ALARP principle – see Appendix 3 [of R2P2]); and
- the risks are periodically reviewed to ensure that they still meet the ALARP criteria, for example, by ascertaining whether further or new control measures need to be introduced to take into account changes over time, such as new knowledge about the risk or the availability of new techniques for reducing or eliminating risks.

In terms of providing quantitative criteria to define these regions, paragraph 130 of R2P2 states that:

“HSE believes that an individual risk of death of one in a million per annum for both workers and the public corresponds to a very low level of risk and should be used as a guideline for the boundary between the broadly acceptable and tolerable regions.”

Paragraph 132 of R2P2 goes on to consider the boundary between the ‘tolerable’ and ‘unacceptable’ or intolerable region and concludes:

“For members of the public who have a risk imposed upon them ‘in the wider interests of society’ this limit is judged to be ... 1 in 10,000 per annum”.

As the risk of fatality for the most exposed people at the new development is considered to be up to about 12 cpm, or once in 80,000 years, it is reasonable to conclude that the maximum risks at the proposed development are about a factor of 12 times the level which would be regarded as insignificant (broadly acceptable), but a factor of 8 below the level at which they would be regarded as becoming intolerable. They are also rather higher than the levels which HSE would consider appropriate for a development of this nature.

5.4 Societal Risk due to Gasholder Site

In addition to the above individual risks being regarded as significant, it should be remembered that the worst case accident, involving a major fireball, could theoretically result in large numbers of people being affected in a single incident, although the likelihood of such a very severe event is very low (probably of the order of less than once in 120,000 years). This possibility of multiple fatalities may be regarded as a greater concern than the individual risks of around 12 cpm. There are few generally accepted criteria for judging the acceptability of such risks to groups of people, although paragraph 136 of R2P2 states that:

“HSE proposes that the risk of an accident causing the death of 50 people or more in a single event should be regarded as intolerable if the frequency is estimated to be more than one in five thousand per annum.”

It is noted that HSE sometimes calculate another measure of societal risk known as the Scaled Risk Integral (SRI), as noted in Paragraphs 3c and 9 of Annex 2, which provides a simple approach which takes account of the most relevant factors. The methodology for calculating the SRI is described by Carter (Reference 19) and Hirst and Carter (Reference 20) as follows:

$$SRI = \frac{P \times R \times T}{A}$$

- Where, P = population factor, defined as $(n + n^2)/2$
- n = number of persons at the development
- R = average level of individual risk (of exceeding dangerous dose) in cpm
- T = proportion of time development is occupied by n persons
- A = area of the development in hectares

Taking n = 46 people for 75% of the time and n=62 people (residents + workers) for 25% of the time, R = 12 cpm, and A = 0.056 ha (approximate area), gives:

$$SRI = \frac{(46 + 46^2) / 2 \times 12 \times 0.75}{0.056} + \frac{(62 + 62^2) / 2 \times 12 \times 0.25}{0.056} = 278,400$$

This is only an indicative calculation using maximum numbers of people present. Using a more typical occupancy of 35 people in the residential part of the development gives an SRI of 170,000. Both these results are close to the value of 500,000, above which HSE would consider recommending call-in (see Annex 2, paragraph 3c of R2P2), but they are not sufficiently low that HSE would be unconcerned by the societal risk associated with the development.

Clearly, however, the introduction of up to 62 people at the development will increase the societal risk. This increase can be seen in Figure 4.1, where there is an increase in frequency in the range of 5 - 500 fatalities. The PLL is increased from 2.77×10^{-3} without the development, to 3.67×10^{-3} post-development. It can therefore be seen that the development would increase the PLL by around 32%. It is noted, however, that the post development PLL is still a factor of around 20 below that which applies to the HSE upper comparison limit on Figure 4.1.

5.5 Potential for Risk Reduction

The results presented in Section 4 have shown that the Individual Risk at 33-37 The Oval is calculated to be around 12cpm. It has also been shown that there are significant uncertainties in some of the modelling, but that the prediction is considered to be a cautious best estimate. On the basis of the ‘best estimate’ modelling, this risk is derived from the following types of event:

- Fireball ≈ 60%

Split crown explosion \approx 10%

Seal fire \approx 30%

It is noted that the current thinking of HSE (as applied to their Land Use Planning zone derivation) would increase this prediction to around 40cpm, split roughly 90:10 between fireball and seal fire, with a small contribution from explosion.

Since any risk reduction measure which could be applied will depend upon which type of event is to be mitigated against, a brief discussion of the issues associated with each event type is given below:

Fireball - This is a short duration but very intense event. The fireballs from the adjacent gas holders are likely to be sufficiently large that they envelop the building. In such cases, there is little which could be done to mitigate the effects.

Explosion - In many cases, the risks from explosions are exacerbated by glass breakage. One potential for mitigation would therefore be to specify high strength or shatter-proof glass. In this case, however, the development is within the range where it is likely that some structural collapse would result, for which the only mitigation would be to provide a 'hardened' type of structure, which is likely to be inappropriate for a residential development.

Seal fire - The effects of thermal radiation from a seal fire will last for rather longer than the tens of seconds expected for a fireball. There is therefore the potential for evacuation, and escape routes should be provided which enable residents to reach a place of safety without being exposed to more radiation than necessary.

Other features of the development which could impact on the risks are:

a.) Use of roof terraces

While there would be no mitigation possible against a fireball, the risk outdoors may not be significantly greater than that indoors. For the explosion event, the risk at a general location outdoors could be slightly reduced (since most of the risk arises from being *inside* a building which collapses), although this would at best be a marginal effect for occupants of the roof terraces. In the case of the seal fire, it is possible that terrace occupants could escape indoors, and then evacuate from the building at ground level.

In practice, however, one of the key risk reduction factors is expected to be control of ignition sources close to the gas holder. The terraces at two levels (1st floor and 4th floor) should therefore be considered in relation to controlling ignition sources. Ideally, both should be removed or made inaccessible for normal use. It is recommended that the lower terrace, which is within 18m of the gas holders, is removed; if it is not possible to remove the upper level terrace, then ignition source restrictions should be applied, since there is the potential for a greater travel distance of a flammable cloud at this higher level. This could take the form of appropriate signage advising against smoking and the use of barbeques when the adjacent gas holders are in use (i.e. during the winter months). In view of both the greater distance from the gas holders, and the intervening presence of the building, no similar restrictions need to be applied to any terraces at the front of the building.

b.) Design of boundary wall

The thermal radiation from a fireball originates from a point which is around 100m above ground level. Thus most of the radiation would be downwards and would not be mitigated by a boundary wall. The same would apply for a seal fire, which could occur at any water-seal position. The explosion event will originate from ground level, and in principle its effects could be reduced by appropriate design of a boundary wall. However, the calculations

indicate that overpressures of around 930mbar may be expected at the boundary; any wall designed to deflect such a blast would need to be at least half the building height, and is likely to be prohibitively expensive.

It is understood, however that the rear boundary wall will be 5.2m high, and will have no openings. This would ensure that any low level gas releases would be deflected upwards by the presence of this wall as well as by its buoyancy. Moreover, this would be true of all wind conditions, including those higher wind speeds which would otherwise deflect the cloud towards the ground.

c.) Minimising potential for gas ingress

The risk is reduced if any gas released is unable to encounter an ignition source. This can be achieved by minimising the openings facing the gas holders, and ensuring that any which are within 18m are protected, as noted above, by the boundary wall.

d.) Installation of shatter-proof glass

One of the contributors to the risk is explosion. Since much of the injury potential is from flying glass, the effects of explosion can be reduced by ensuring that the glass in any windows facing the gas holders is shatterproof. This can be achieved either through use of specialist glass from a supplier such as Romag, or by application of window film such as Llumar to the internal face of the glazing.

e.) Provision of adequate means of evacuation

In the event of a fire on one of the gas holders, the thermal radiation at the rear of the building is likely to be sufficiently intense that evacuation would be impeded. The building design should therefore ensure that all occupants, including those using the terraces, can be evacuated safely to the front of the building.

Summary of desirable design features:

- 1) Ensure impermeability of rear wall up to 5m height.
- 2) Minimise window openings facing gas holders within 18 metres of the holder or where not protected by the rear wall.
- 3) Specify heat/blast resistant or shatterproof glass for windows facing gas holders.
- 4) Prevent the use of the lower level rear-facing roof terraces.
- 5) Display signage restricting the use of ignition sources on the upper level rear-facing roof terraces when gas holders are in use.
- 6) Ensure adequate provision is made for evacuation to the front of the building in the event of minor fires.

6. SUMMARY AND CONCLUSIONS

The current PADHI system (see Section 3.3) is based upon consideration of individual risk, although HSE is currently considering ways in which they can also address societal risk issues around major hazard installations. As part of their considerations, there is a recent consultative document, CD212 (Reference 21), against which they requested responses from interested parties by 2nd July 2007. This document includes a list of 54 UK sites around which HSE has identified societal risk issues. There are 15 gas holder sites in this list, which includes the Bethnal Green site. CD212 covers a range of issues, including the consideration of the wider context. For example, there is a proposal that HSE may have some input during

the preparation of development plans for areas affected by such sites, in order to ensure that any future development is appropriate to the area and to the risks from the major hazard site.

It has been shown in this quantified assessment that the societal risk associated with the Bethnal Green gas holder site is not at present exceptionally high for a typical COMAH site. It has also been shown that the societal risk would not increase to an intolerable level if the proposed development were to be allowed. The primary objection of HSE is therefore likely to be the precedent which this may set in allowing a significant increase in societal risk - for example, the 32% increase from the proposed development would imply that only 3 such developments would be required before the societal risk was almost doubled.

It is therefore clear that, when considering potential individual developments close to major hazard sites, both individual and societal risk need to be considered. In some cases, robust calculations of these risks may show them to be below some 'broadly acceptable' level, as defined by HSE. Conversely, they may be shown to be intolerable in all circumstances. Between these levels (as is the case for the proposed development), the acceptability of the risks, either individual or societal, can only be judged by balancing the calculated risks with the socioeconomic benefits (both for the hazardous installation and for developments in the vicinity). Ultimately, although HSE provides advice, it is for the Planning Authority to make such judgements, taking account of factors such as:

- nature and scale of benefits to the local / wider community
- provision of jobs / employment
- contribution to GDP and local taxes
- consistency with local development plans
- views of the public
- etc

and balancing these benefits against the risks in terms of:

- number and likelihood of people affected (fatalities and injuries)
- nature of harm

For example, a gas holder site such as Bethnal Green could be regarded as providing a significant regional benefit in terms of providing a fuel supply to a large community, and hence a planning authority might consider that a moderate level of societal risk associated with the installation was acceptable (provided it could be demonstrated to be ALARP), whilst for a smaller industrial activity with no significant socioeconomic benefits, a planning authority might consider the same level of societal risk to be unacceptable (even if it was also ALARP).

Similarly, where a development is proposed near an existing major hazard site, it is also the responsibility of the planning authority to make such judgements, taking account of the factors noted above. If there was such a pressing need for residential development in the area, and no other land was available, then the Planning Authority may be inclined to grant Planning Permission. In the present situation, however, in view of the relatively high risks, it may be considered to be more appropriate only to allow development of a less sensitive nature, such as light industrial or commercial. It is also noted that, although HSE may advise against this type of residential development anywhere within the Inner Zone, this detailed QRA has shown that the risks drop off quite rapidly away from the Bethnal Green gas holder site, implying that such a development could be more readily justified on other nearby sites, e.g. on the east side of the Oval.

It is therefore concluded that:

- 1.) The individual risk, at around 12cpm, is not intolerable, but is above the level at which HSE would advise against for this type of development.
- 2.) The current societal risk associated with the gas holder site is not particularly high for a Top Tier COMAH site.
- 3.) The addition of the extra population will increase societal risk by around 32%, but it will still remain well within HSE guidelines.
- 4.) Whilst it is possible that a case could be made for accepting this additional risk, HSE is likely to be concerned at the potential for cumulative societal risk effects if adjacent properties were to be developed in a similar way.

7. REFERENCES

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8. ABBREVIATIONS AND ACRONYMS

ALARP	As Low As Reasonably Practicable
CD	Consultation Distance
CIRRUS	Suite of consequence modelling codes developed by BP
COMAH	Control of Major Accident Hazards
cpm	Chances per million (years)
DTL	Dangerous Toxic Load
EV	Expectation Value
FBR	Fireball Radius
FN	Cumulative frequency of N or more fatalities
HGSYSTEM	Suite of gas dispersion modelling codes
HSE	Health and Safety Executive
LPA	Local Planning Authority
LPG	Liquified Petroleum Gas
LSIR	Location Specific Individual Risk
PADHI	Planning Advice for Developments near Hazardous Installations
PLL	Potential Loss of Life
QRA	Quantified Risk Assessment
R2P2	Reducing Risks, Protecting People (HSE publication, 2001)
SRI	Scaled Risk Integral
tdu	thermal dose units $(kW/m^2)^{4/3}$.seconds
VCE	Vapour Cloud Explosion

Figure 2-1 Plan of the proposed development at 33-37 The Oval

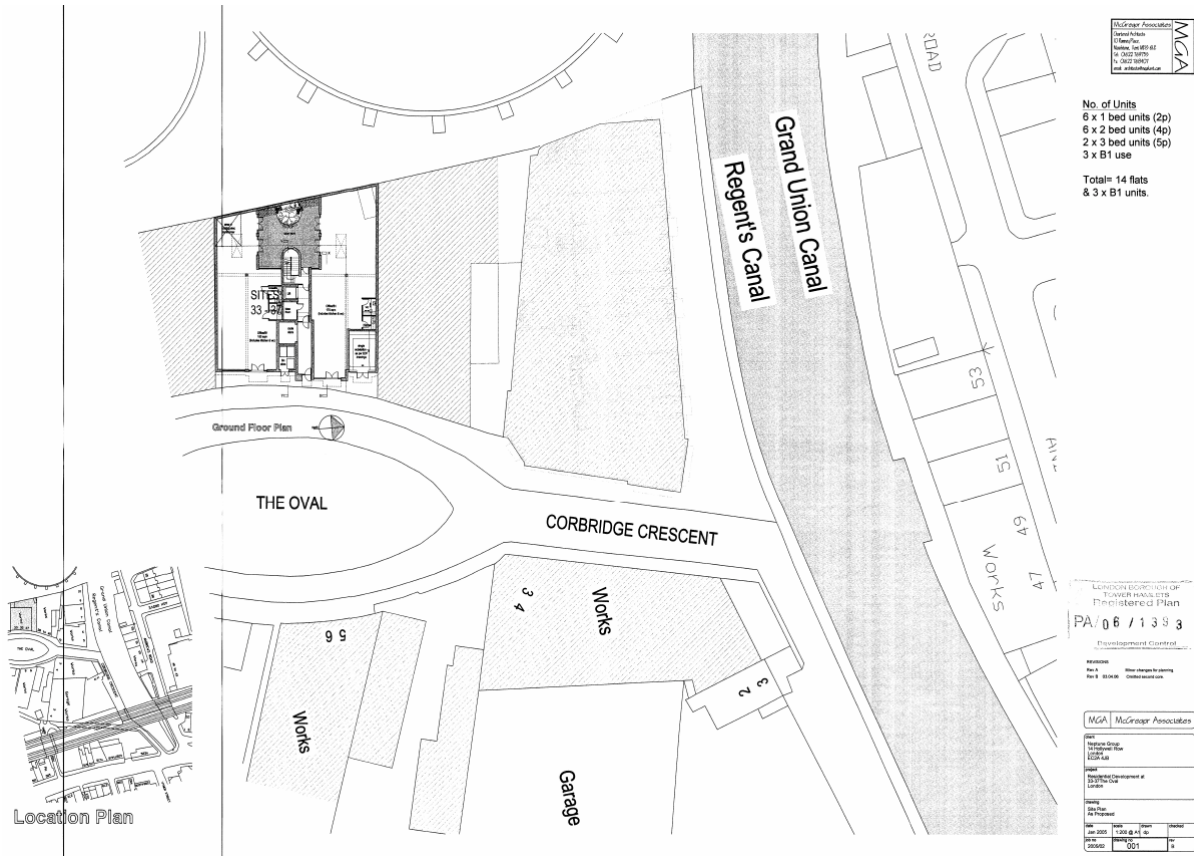


Figure 2-2 Photo showing development at 33 - 37 The Oval and Gas Holder no. 5



Figure 2-3 HSE Consultation Zones



Site Plan: 33 - 37 The Oval
Health and Safety Executive Consultation Zones






-  Site at: 33-37 The Oval
-  Bethnal Green Gas Holder Station
- HSE Consultation Zones
-  Inner
-  Middle
-  Outer



Figure 4.1 FN Curve

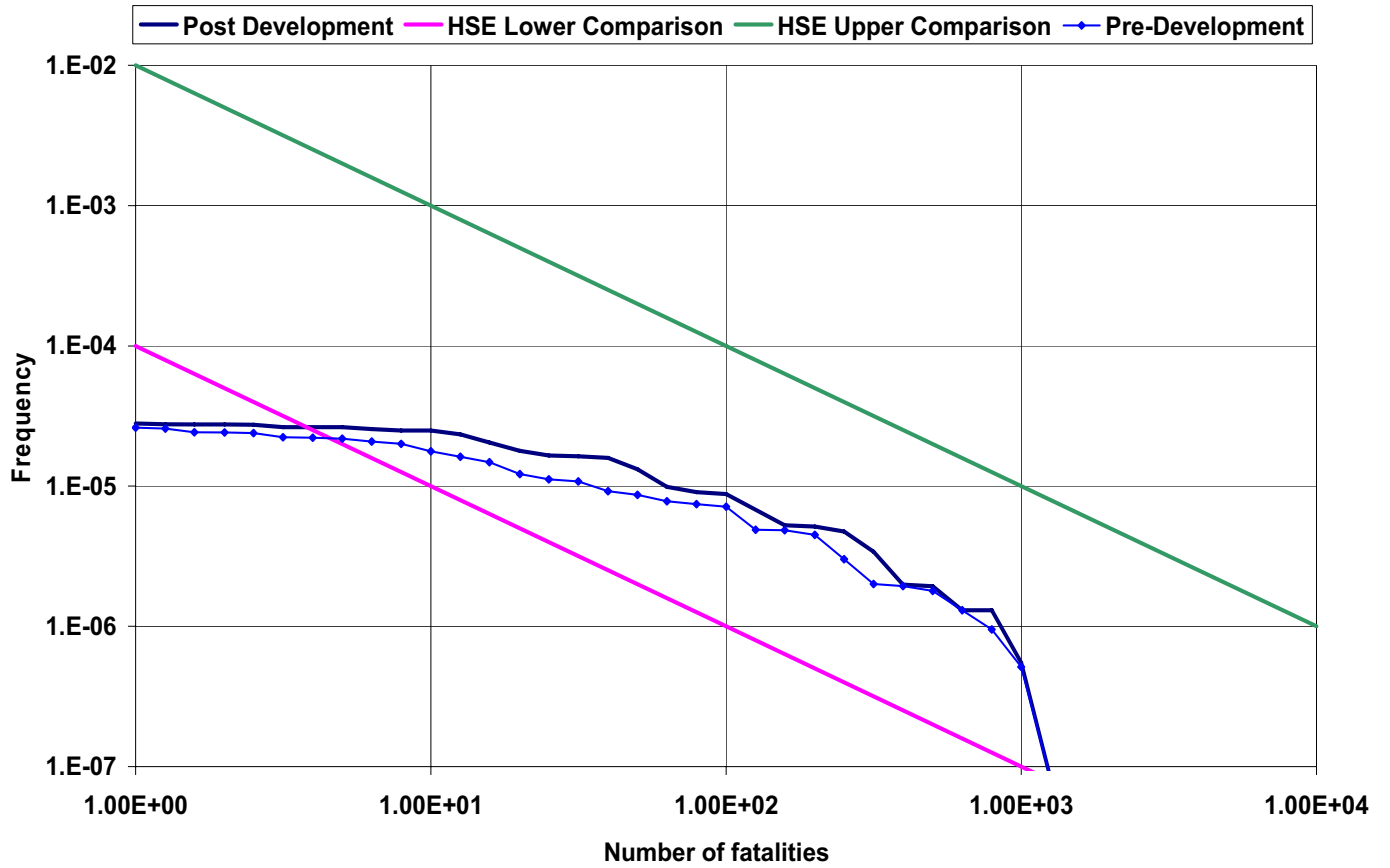
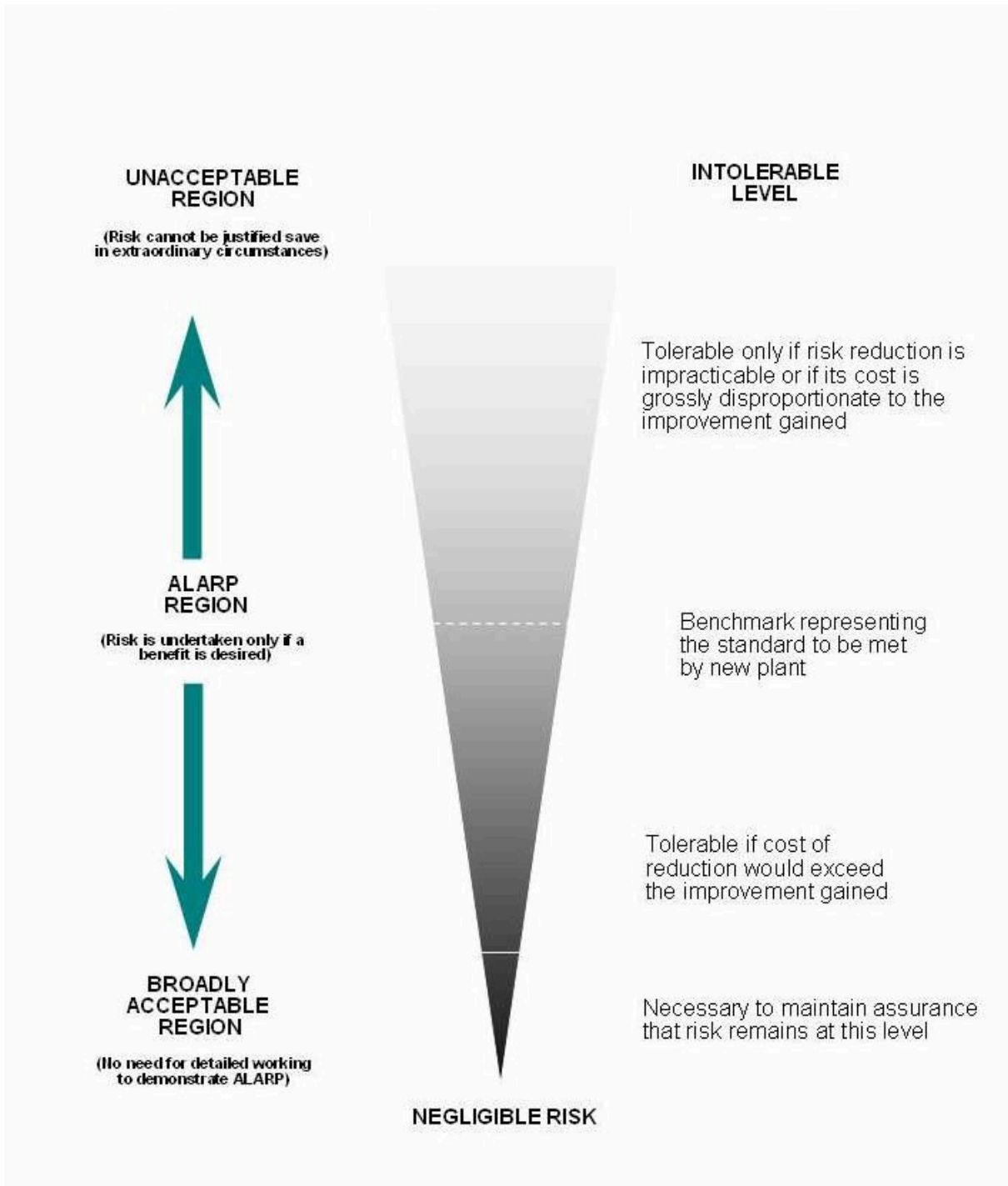


Figure 5.1 HSE Framework for tolerability of risk



APPENDIX A

Population Data

A1 INTRODUCTION

This appendix includes data for the following 3 categories of population:

1 Residential

This information is drawn from the 2001 census output, and is given in Table A.1 against the output areas identified in Figure A1. It is estimated that there is a total residential population of around 12,600 within 500m of the gas holder site.

2 Employee

This information is provided against regions which cover several census output areas. The key, to be compared with Figure A1, is given in Table A2, and the employee numbers are given in Table A3.

3 Sensitive populations

Schools and other facilities at which sensitive populations may be present are shown in Figure A2. The approximate population data for the schools identified within the zones are:

Mowlem Primary School	260
Oaklands Secondary School	650
Raines Annexe Secondary School	550
Beatrice Tate Secondary School	90
St Johns Primary School	260
Lawdale Primary School	335
London Fields Primary School	490
Sebright primary School	460

St Joseph's Hospice has an approximate population of 100-120 persons.

The numbers that attend the adult day centres identified appear to be quite low.

Table A1 Residential Population Data

Borough	Output Area Code	Population within 500m	Total Population	Area within 500m buffer (m2)	Total area (m2)	Fraction within 500m	Weighted population based on area fraction
Tower Hamlets	00BGFW0001	341	341	20037.48	20037.48	1.00	341
Tower Hamlets	00BGFW0002	253	253	82016.10	82016.10	1.00	253
Tower Hamlets	00BGFW0004	252	252	73362.21	73362.26	1.00	252
Tower Hamlets	00BGFW0005	15	245	1076.96	18058.40	0.06	15
Tower Hamlets	00BGFW0006	416	416	14003.02	14003.02	1.00	416
Tower Hamlets	00BGFW0008	196	238	20697.70	25112.64	0.82	196
Tower Hamlets	00BGFW0009	307	307	11116.43	11116.43	1.00	307
Tower Hamlets	00BGFW0010	40	275	1709.77	11882.46	0.14	40
Tower Hamlets	00BGFW0011	303	303	9595.21	9595.21	1.00	303
Tower Hamlets	00BGFW0012	418	418	17555.69	17555.69	1.00	418
Tower Hamlets	00BGFW0013	232	232	12926.50	12926.50	1.00	232
Tower Hamlets	00BGFW0014	414	414	17591.35	17591.35	1.00	414
Tower Hamlets	00BGFW0015	204	204	12799.39	12799.39	1.00	204
Tower Hamlets	00BGFW0016	208	209	23191.21	23267.01	1.00	208
Tower Hamlets	00BGFW0017	330	330	11122.02	11122.02	1.00	330
Tower Hamlets	00BGFW0018	338	338	9994.88	9994.88	1.00	338
Tower Hamlets	00BGFW0019	450	533	24330.55	28788.56	0.85	450
Tower Hamlets	00BGFW0020	194	284	13359.03	19537.74	0.68	194
Tower Hamlets	00BGFW0021	214	320	15074.07	22554.94	0.67	214
Tower Hamlets	00BGFW0022	177	410	6346.00	14669.47	0.43	177
Tower Hamlets	00BGFW0023	64	335	6674.34	35024.60	0.19	64
Tower Hamlets	00BGFW0025	191	276	18822.71	27186.14	0.69	191
Tower Hamlets	00BGFW0026	1	387	28.06	11903.22	0.00	1
Tower Hamlets	00BGFW0028	17	266	1922.80	29794.52	0.06	17
Tower Hamlets	00BGFW0029	445	445	18507.56	18507.58	1.00	445
Tower Hamlets	00BGFW0030	453	453	14194.16	14208.22	1.00	453
Tower Hamlets	00BGFW0031	325	325	39812.43	39812.43	1.00	325
Tower Hamlets	00BGFW0032	46	294	4469.37	28261.16	0.16	46
Tower Hamlets	00BGFW0034	197	197	7785.77	7785.77	1.00	197
Tower Hamlets	00BGFW0035	5	319	772.10	48777.36	0.02	5
Tower Hamlets	00BGFW0036	208	310	10607.66	15831.83	0.67	208
Tower Hamlets	00BGFW0037	462	462	12527.16	12527.16	1.00	462
Tower Hamlets	00BGGJ0002	1	347	649.56	443184.41	0.00	1
Tower Hamlets	00BGGJ0020	0	249	93.46	47586.03	0.00	0
Tower Hamlets	00BGGM0004	66	300	7674.85	34794.37	0.22	66
Tower Hamlets	00BGGM0028	100	276	4942.32	13701.20	0.36	100
Tower Hamlets	00BGGM0029	7	277	454.63	17076.71	0.03	7
Tower Hamlets	00BGGM0031	9	240	560.93	14723.72	0.04	9
Hackney	00AMGJ0001	196	196	37985.69	37985.74	1.00	196
Hackney	00AMGJ0013	328	328	18083.04	18083.04	1.00	328
Hackney	00AMGJ0014	223	295	34406.25	45443.76	0.76	223
Hackney	00AMGJ0017	310	310	13549.28	13549.28	1.00	310
Hackney	00AMGJ0021	324	324	11778.94	11778.95	1.00	324
Hackney	00AMGJ0025	87	233	30779.62	82040.89	0.38	87
Hackney	00AMGQ0002	221	272	17301.82	21330.96	0.81	221
Hackney	00AMGQ0021	18	264	7204.13	103243.07	0.07	18
Hackney	00AMGQ0025	105	235	13407.66	29922.58	0.45	105
Hackney	00AMGQ0027	98	376	9283.32	35572.78	0.26	98
Hackney	00AMGQ0029	323	323	21543.58	21543.58	1.00	323
Hackney	00AMGQ0030	265	265	14864.65	14864.65	1.00	265
Hackney	00AMGQ0032	222	227	48264.05	49264.94	0.98	222
Hackney	00AMGQ0033	423	423	16906.44	16906.44	1.00	423
Hackney	00AMGQ0034	258	360	11136.81	15557.36	0.72	258
Hackney	00AMGQ0036	279	279	77743.04	77743.06	1.00	279
Hackney	00AMGT0005	28	333	2012.30	23914.24	0.08	28
Hackney	00AMGT0009	222	398	18548.33	33208.00	0.56	222
Hackney	00AMGT0024	241	250	20212.68	20955.43	0.96	241
Hackney	00AMGT0026	53	326	1793.90	10948.41	0.16	53
Hackney	00AMGT0030	164	306	13217.58	24705.32	0.54	164
Hackney	00AMGT0031	282	282	16134.80	16134.80	1.00	282

Figure A1 Census Output Areas

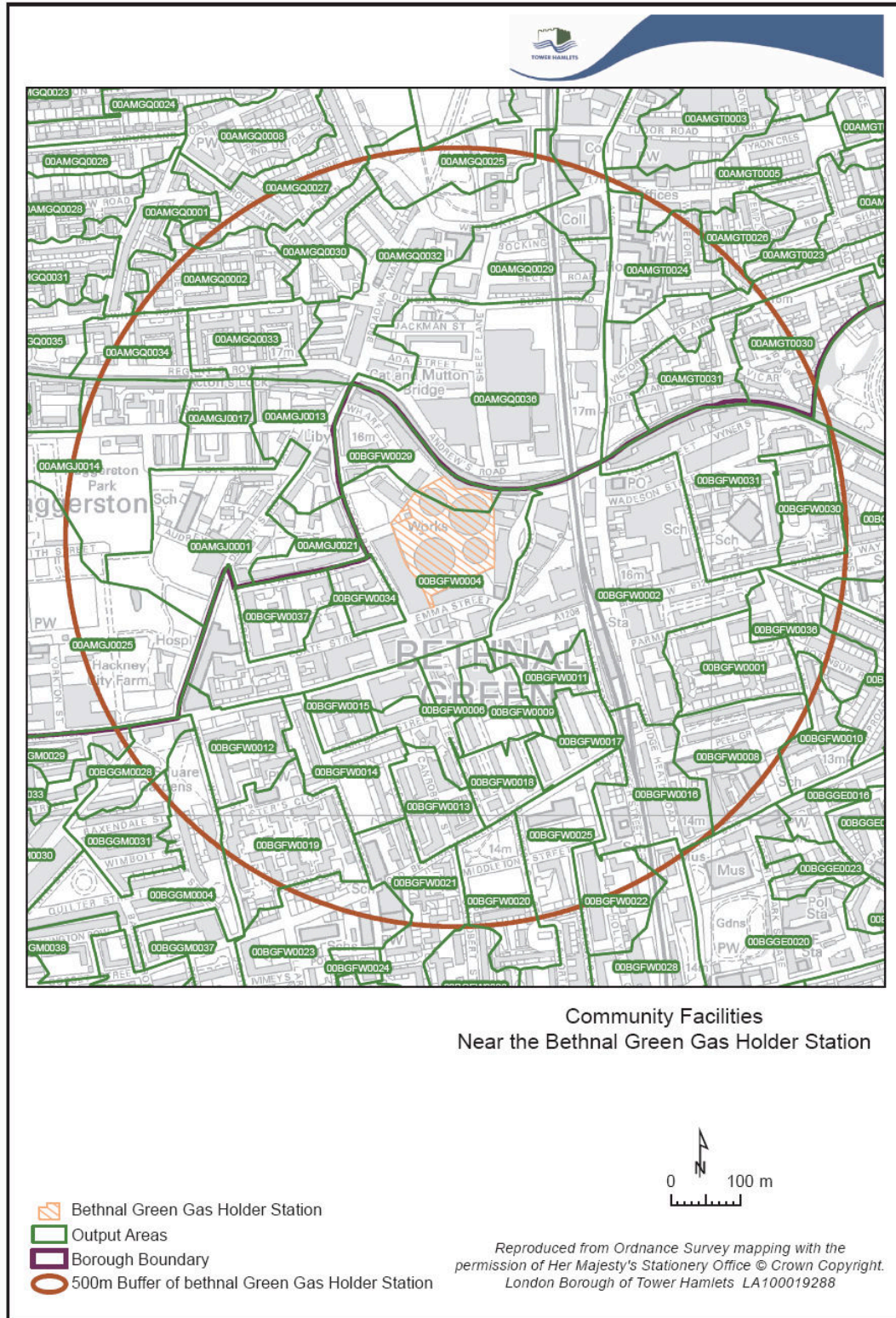


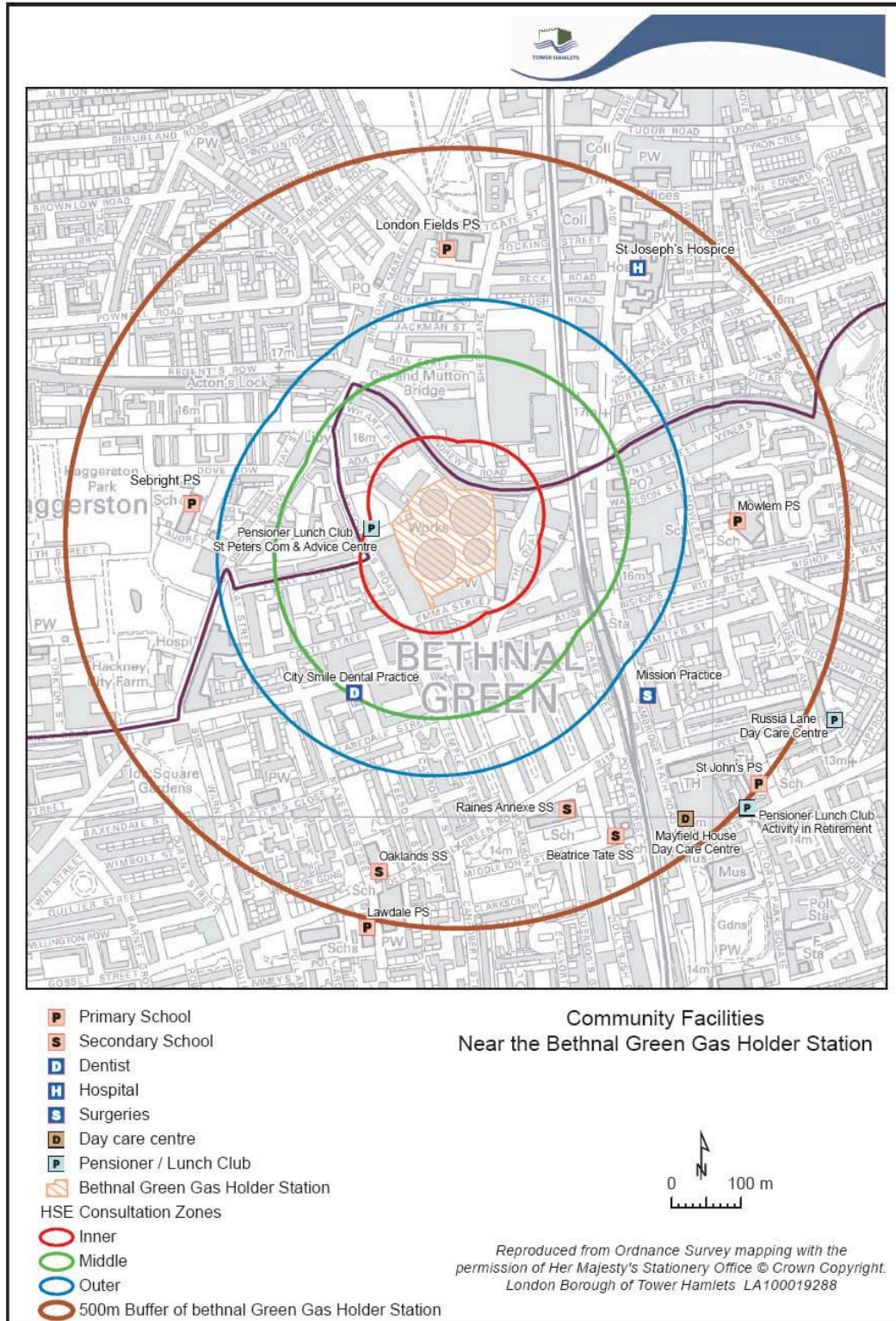
Table A2 Key to Employee Data Areas

Output Area Code	Lower Super Output Area Code	Middle Super Output Area Code	Middle Super Output Area Name	Ward Name	Local Authority
00AMGQ0015	E01001818	E02000367	Hackney 023	Queensbridge	Hackney
00AMGQ0021	E01001818	E02000367	Hackney 023	Queensbridge	Hackney
00AMGQ0025	E01001818	E02000367	Hackney 023	Queensbridge	Hackney
00AMGQ0029	E01001818	E02000367	Hackney 023	Queensbridge	Hackney
00AMGQ0032	E01001818	E02000367	Hackney 023	Queensbridge	Hackney
00AMGQ0036	E01001818	E02000367	Hackney 023	Queensbridge	Hackney
00AMGT0009	E01001837	E02000367	Hackney 023	Victoria	Hackney
00AMGT0024	E01001837	E02000367	Hackney 023	Victoria	Hackney
00AMGT0025	E01001837	E02000367	Hackney 023	Victoria	Hackney
00AMGT0030	E01001837	E02000367	Hackney 023	Victoria	Hackney
00AMGT0031	E01001837	E02000367	Hackney 023	Victoria	Hackney
00AMGT0005	E01001842	E02000367	Hackney 023	Victoria	Hackney
00AMGT0014	E01001842	E02000367	Hackney 023	Victoria	Hackney
00AMGT0020	E01001842	E02000367	Hackney 023	Victoria	Hackney
00AMGT0023	E01001842	E02000367	Hackney 023	Victoria	Hackney
00AMGT0026	E01001842	E02000367	Hackney 023	Victoria	Hackney
00AMGJ0018	E01001774	E02000368	Hackney 024	Haggerston	Hackney
00AMGJ0023	E01001774	E02000368	Hackney 024	Haggerston	Hackney
00AMGJ0024	E01001774	E02000368	Hackney 024	Haggerston	Hackney
00AMGJ0025	E01001774	E02000368	Hackney 024	Haggerston	Hackney
00AMGJ0033	E01001774	E02000368	Hackney 024	Haggerston	Hackney
00AMGJ0001	E01001775	E02000368	Hackney 024	Haggerston	Hackney
00AMGJ0013	E01001775	E02000368	Hackney 024	Haggerston	Hackney
00AMGJ0014	E01001775	E02000368	Hackney 024	Haggerston	Hackney
00AMGJ0017	E01001775	E02000368	Hackney 024	Haggerston	Hackney
00AMGJ0021	E01001775	E02000368	Hackney 024	Haggerston	Hackney
00AMGQ0008	E01001815	E02000368	Hackney 024	Queensbridge	Hackney
00AMGQ0016	E01001815	E02000368	Hackney 024	Queensbridge	Hackney
00AMGQ0022	E01001815	E02000368	Hackney 024	Queensbridge	Hackney
00AMGQ0024	E01001815	E02000368	Hackney 024	Queensbridge	Hackney
00AMGQ0027	E01001815	E02000368	Hackney 024	Queensbridge	Hackney
00AMGQ0002	E01001821	E02000368	Hackney 024	Queensbridge	Hackney
00AMGQ0030	E01001821	E02000368	Hackney 024	Queensbridge	Hackney
00AMGQ0033	E01001821	E02000368	Hackney 024	Queensbridge	Hackney
00AMGQ0034	E01001821	E02000368	Hackney 024	Queensbridge	Hackney
00BGFW0002	E01004197	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0005	E01004197	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0030	E01004197	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0031	E01004197	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0036	E01004197	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0001	E01004198	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0008	E01004198	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0010	E01004198	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0016	E01004198	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0022	E01004198	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0009	E01004199	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0011	E01004199	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0017	E01004199	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0018	E01004199	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0025	E01004199	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0003	E01004201	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0007	E01004201	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0032	E01004201	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0033	E01004201	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGFW0035	E01004201	E02000865	Tower Hamlets 002	Bethnal Green North	Tower Hamlets
00BGA0002	E01004234	E02000866	Tower Hamlets 003	Bow West	Tower Hamlets
00BGA0003	E01004234	E02000866	Tower Hamlets 003	Bow West	Tower Hamlets
00BGA0019	E01004234	E02000866	Tower Hamlets 003	Bow West	Tower Hamlets
00BGA0020	E01004234	E02000866	Tower Hamlets 003	Bow West	Tower Hamlets
00BGA0021	E01004234	E02000866	Tower Hamlets 003	Bow West	Tower Hamlets
00BGA0024	E01004234	E02000866	Tower Hamlets 003	Bow West	Tower Hamlets
00BGFW0006	E01004200	E02000868	Tower Hamlets 005	Bethnal Green North	Tower Hamlets
00BGFW0013	E01004200	E02000868	Tower Hamlets 005	Bethnal Green North	Tower Hamlets
00BGFW0014	E01004200	E02000868	Tower Hamlets 005	Bethnal Green North	Tower Hamlets
00BGFW0015	E01004200	E02000868	Tower Hamlets 005	Bethnal Green North	Tower Hamlets
00BGFW0004	E01004202	E02000868	Tower Hamlets 005	Bethnal Green North	Tower Hamlets
00BGFW0029	E01004202	E02000868	Tower Hamlets 005	Bethnal Green North	Tower Hamlets
00BGFW0034	E01004202	E02000868	Tower Hamlets 005	Bethnal Green North	Tower Hamlets
00BGFW0037	E01004202	E02000868	Tower Hamlets 005	Bethnal Green North	Tower Hamlets
00BGFW0020	E01004203	E02000868	Tower Hamlets 005	Bethnal Green North	Tower Hamlets
00BGFW0021	E01004203	E02000868	Tower Hamlets 005	Bethnal Green North	Tower Hamlets
00BGFW0026	E01004203	E02000868	Tower Hamlets 005	Bethnal Green North	Tower Hamlets

Table A3 Employee Data

LSOA_CODE	500m Radius Area	SOA_Area	Proportional_Area	TOTAL	Emp_Ratio
E01001774	30779.65	179566.03	0.17	843	143.31
E01001775	115803.09	126840.61	0.91	108	98.28
E01001815	9283.19	108964.77	0.09	57	5.13
E01001818	168162.46	381334.22	0.44	2176	957.44
E01001821	60209.99	68659.75	0.88	58	51.04
E01001837	68114.08	111400.39	0.61	395	240.95
E01001842	3806.04	64684.66	0.06	67	4.02
E01004197	147707.28	169927.33	0.87	1074	934.38
E01004198	71981.77	94968.93	0.76	557	423.32
E01004199	60650.32	69013.60	0.88	68	59.84
E01004200	57320.64	57320.64	1.00	159	159.00
E01004201	5241.46	129814.16	0.04	644	25.76
E01004202	112182.91	112182.91	1.00	527	527.00
E01004203	30384.15	105158.20	0.29	954	276.66
E01004204	48560.82	84457.98	0.57	421	239.97
E01004234	649.69	573205.32	0.00	250	0.00
E01004259	93.47	133233.23	0.00	1792	0.00
E01004314	8235.71	83243.71	0.10	260	26.00
E01004318	5397.00	58667.01	0.09	229	20.61

Figure A2 Locations of Sensitive Populations



APPENDIX B

Excerpt from PADHI Sensitivity Table

Development type	Examples	Development detail and size	Justification
DT2.1 Housing	Houses, flats, retirement flats/ bungalows, residential caravans, mobile homes.	Developments up to and including 30 dwelling units and at a density of no more than 40 per hectare – Level 2	Development where people live or are temporarily resident. It may be difficult to organise people in the event of an emergency.
EXCLUSIONS			
Infill, backland development.	DT2.1 x1 Developments of 1 or 2 dwelling units - Level 1	Minimal increase in numbers at risk.	
Larger housing developments.	DT2.1 x2 Larger developments for more than 30 dwelling units – Level 3	Substantial increase in numbers at risk.	
	DT2.1 x3 Any developments (for more than 2 dwelling units) at a density of more than 40 dwelling units per hectare - Level 3	High-density developments.	
EXCLUSIONS			
DT2.2 - Hotel/Hostel/Holiday Accommodation	Hotels, motels, guest houses, hostels, youth hostels, holiday camps, holiday homes, halls of residence, dormitories, accommodation centres, holiday caravan sites, camping sites.	Accommodation up to 100 beds or 33 caravan / tent pitches – Level 2	Development where people are temporarily resident. It may be difficult to organise people in the event of an emergency.
EXCLUSIONS			
Smaller - guest houses, hostels, youth hostels, holiday homes, halls of residence, dormitories, holiday caravan sites, camping sites.	DT2.2 x1 Accommodation of less than 10 beds or 3 caravan / tent pitches - Level 1	Minimal increase in numbers at risk.	
Larger – hotels, motels, hostels, youth hostels, holiday camps, holiday homes, halls of residence, dormitories, holiday caravan sites,	DT2.2 x2 Accommodation of more than 100 beds or 33 caravan / tent pitches–	Substantial increase in numbers at risk.	

camping sites.		Level 3	
DT2.3 Transport Links -	Motorway, dual carriageway.	Major transport links in their own right; i.e. not as an integral part of other developments – Level 2	Prime purpose is as a transport link. Potentially large numbers exposed to risk, but exposure of an individual is only for a short period.
EXCLUSIONS			
Estate roads, access roads.	DT2.3 x1 Single carriageway roads – Level 1	Minimal numbers present and mostly a small period of time exposed to risk. Associated with other development.	

APPENDIX C

Assessment of Accident Statistics for Water Sealed Gas Holders

C1 DATA AND ASSUMPTIONS

The following data were available for the study:

- 1) Information on major accidents occurring between 1912 and 1930 and causing total decoupling of seals, with or without gas ignition and total collapse of the gas holder (Ref. 1).
- 2) Database of accidents involving gas leaks, with or without ignition, between 1970 and 2000 (Appendix 1 of Ref. 1). These are derived from Transco records. It is important to note that some information related to the above holder accidents has not been disclosed by HSE. In addition, because stations are generally un-staffed, Reference 1 presumes that reliance is made by Transco on reports from the public and analyses of post-accident damage for an estimate of mass of release and causes. Furthermore, it is noted that some inconsistencies in the dataset were observed; these are described in Section C2.
- 3) Information on the gas holder population and industry development from 1910 (Ref. 1).

In order to use the available information for the derivation of statistical accident frequencies, the following assumptions and refinements on the above data were made. Figures for the number of gas holders active in the United Kingdom over the years, from 1970 were derived from 3). In particular, Reference 1 reports that until the end of the 60s the estimate of water-sealed gasholders in operation in the UK was between 5000 and 6000; hence a constant population of 5500 gasholders was assumed for those years. Information on the subsequent decreases in the number of gas holders in use is given in Reference 1. It is reported that between 1970 and 1980 the gasholder population diminished from 5500 to 1000, between 1980 and 1995 from 1000 to 500 and between 1995 and 2002 from 500 to 400.

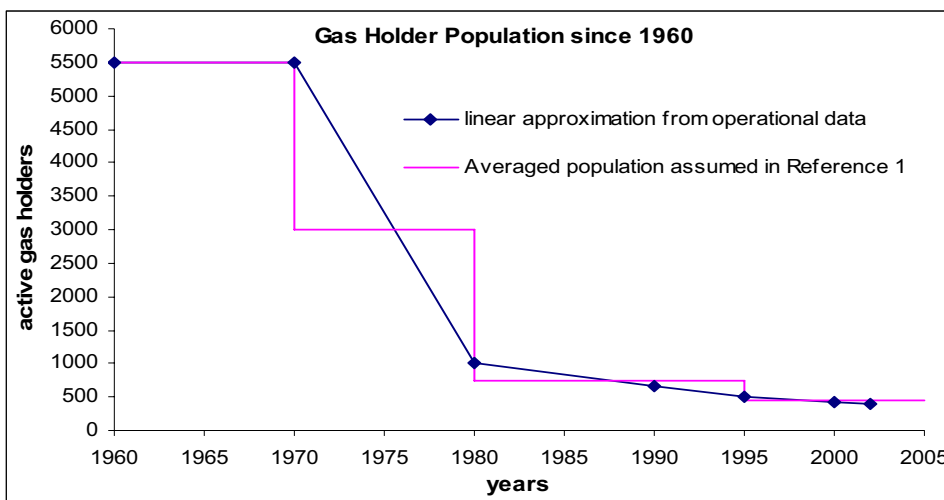


Figure C1 Reduction of gas holder population over time since 1960

From these figures the approximate numbers for the population of gas holders active each year between 1910 and 2002 could be obtained, assuming linear reductions of active gas

holder numbers, as shown in Figure C1. The diagram depicts the linear approximations derived for the present analysis and the average values used in Reference 1 for comparison.

C2 EVENT FREQUENCY ANALYSIS

C2.1 Analysis of Large Historical Events

Only 6 major accidents have been reported where decoupling and / or collapse of gas holders have occurred. Three of these, i.e. 50% of the incidents, involved the ignition of the gas which had escaped and two resulted in a total collapse of the holders; all of them happened between 1910 and 1930. Reference 1 derives frequencies for major accidents by dividing the number of accidents by the total number of gas holder operational years (3.76×10^5), treating these as a single dataset. In this analysis, data have been treated statistically slightly differently and the specific holder population in operation during the decade when the accident(s) occurred was applied to derive a ten-year frequency and the frequencies obtained during all decades (non-null only for the first two decades) were averaged over the entire period covered. The results are reported in Table C1.

Years		Events			Frequency (events / holder / yr)		
Period	Holder years	Total collapse	De-coupled seals with ignition	De-coupled seals all	Total collapse	De-coupled seals with ignition	De-coupled seals all
1910 - 1920	55000	1	1	3	1.82×10^{-5}	1.82×10^{-5}	5.45×10^{-5}
1920 - 1930	55000	1	2	3	1.82×10^{-5}	3.64×10^{-5}	5.45×10^{-5}
1930 - 1940	55000	0	0	0	0	0	0
1940 - 1950	55000	0	0	0	0	0	0
1950 - 1960	55000	0	0	0	0	0	0
1960 - 1970	55000	0	0	0	0	0	0
1970 - 1980	32500	0	0	0	0	0	0
1980 - 1990	8330	0	0	0	0	0	0
1990 - 2000	5480	0	0	0	0	0	0
2000 - 2005	2030	0	0	0	0	0	0
Average					3.83×10^{-6}	5.74×10^{-6}	1.15×10^{-5}

Table C1 Frequencies of accidents involving total collapse and seal decouplement, averaged over periods of 10 years.

Table C2 compares the average probabilities obtained as described above with those reported in Reference 1. It can be seen that the estimates calculated through this study are to be slightly lower than those reported in Reference 1.

Accidents involving total collapse and seal de-couplement	Frequency (cpm / holder / year)	
	Calculated	From Reference 1
All	11.5	~15
Decoupled seal (or worse) with ignition	5.7	~10
Total collapse with ignition	3.8	~5

Table C2 Comparison between calculated frequencies of accidents involving total collapse and seal de-couplement and corresponding figures obtained in Reference1.

C2.2 ALTERNATIVE ESTIMATION

Because the only major accidents recorded in the industry have occurred several decades ago and no other accidents have been reported since, Reference 2 derives an estimate of expected frequency, excluding the past events, through the application of the Poisson distribution model.

If:

x is the level of confidence of the estimate in percentage

n is the period (in holder years) without accidents

then the expected frequency F_x can be calculated by applying the following formula:

$$F_x = \frac{-\ln(1 - x/100)}{n}$$

Taking a 90% confidence interval and considering an approximate number of gasholder years of 1×10^5 since nationalisation, Reference 2 estimates a frequency F_{90} of 2.1×10^{-5} events per holder per year. Furthermore, a 50% ignition probability for major accidents is assumed, which leads to a prediction of about 10×10^{-6} ignited decoupled seal accidents / holder / year with a 90% confidence. Of these, 10% are assumed to be as a result of total collapse, with a resulting estimated frequency of 1×10^{-6} .

However, the total number of holder years derived in Reference 1 over the accident free period (since 1930) and since nationalisation (1950) is respectively 2.5×10^5 and 1.5×10^5 . If these values are used in the application of the Poisson formula, for a 90% confidence interval, the following estimates are obtained:

Since 1930 $F_{90} = \frac{-\ln(1 - 90/100)}{2.5 \times 10^5} = 9.2 \times 10^{-6}$ events/holder/year

Since 1950 $F_{90} = \frac{-\ln(1 - 90/100)}{1.5 \times 10^5} = 1.5 \times 10^{-5}$ events/holder/year

The table below compares these figures to those obtained in Reference 2 together with frequencies for ignited decoupled seal accidents and total collapse accidents derived by applying the same factors assumed in Reference 2.

Accidents involving total collapse and decoupled seal (or worse) with ignition	Frequency (cpm / holder / year)		
	From Reference 1	Calculated since 1950	Calculated since 1930
All	21	15	~9
Decoupled seal (or worse) with ignition	10	~7.5	~4.5
Total collapse with ignition	~1	~0.75	~0.45

Table C3 Comparison between predicted frequencies for accidents involving total collapse and decoupled seal (or worse) assuming a 50% probability of ignition.

C3 ANALYSIS OF RECENT INCIDENT DATA

C3.1 BACKGROUND

A review has been carried out for gas holder incidents occurring between 1970 and 2000, details of which are provided in Appendix 1 of Reference 1. One hundred and twenty nine events are reported to have occurred during the period and involved gas leaks of various magnitudes from water-sealed gas holders. Because the data reported were obtained only through partial disclosure of information and through public report and post-accident analysis, they often lack details in terms of quantities released and accident causes. In particular, for approximately 55% of the cases, the gas leak has not been quantified.

In reviewing the dataset, it was also noted that for two pairs of entries reported separately in the dataset the details given appear remarkably similar, suggesting that each pair actually refers to the same event. For the purpose of this review, each pair will be considered as representative of a single incident. (It is noted that the events in the dataset of Reference 1 are reported in chronological order, with the exception of the two spurious duplicate entries, which, therefore, appear to be recorded erroneously). The total number of events used in the present analysis from Reference 1 is therefore 127. Although ‘major releases’ have been recorded in several instances, it is not suggested that any of these accidents have produced a full seal de-couplement or holder collapse.

Figure C2 shows the event distribution between 1970 and 2000. Over the period covered, with the exception of isolated peaks, the accident trend shows a fairly random and reasonably uniform spread with an average of 4-5 accidents per year. However, if the number of events per year is normalised with respect to the actual holder number in operation during the year, the resulting frequency appears to be increasing steadily (with the sporadic superimposed peaks), as shown in Figure C3. This might be attributable to the fact that, whilst the population of holders has decreased significantly over the last 30 years, it is likely that the holders being decommissioned are actually those that in recent years have not been in operation (full utilisation). Whereas before decommissioning these holders might have been considered as part of the total populations, they would not have been equally susceptible to accidents (hence the apparent lower accident probability). The resulting total average probability is 5.4×10^{-3} . This is calculated as the average of the annual frequency obtained by dividing the number of events per year by the gas holder population in the same year and averaging the annual frequencies obtained over the three decades 1970 -2000. If the gasholder operational years were treated as a single dataset, the total frequency would

be obtained by dividing the number of events (127) by the integrated gas holder population over the 30 years of operation considered (48950), giving rise to more optimistic predictions (2.6×10^{-3}).

Of the accidents recorded, 13% are reported in Appendix 1 of Reference 1 to have caused releases greater than 30te (major releases), all attributable to seal failure, except one case of overfilling. The resulting yearly probability for major releases is, therefore, $5.4 \times 10^{-3} \times 0.13 = 7.1 \times 10^{-4}$ per holder per year.

It is interesting to note that in only four instances did the accidental gas leaks ignite, and none of these cases were explicitly related to major releases (Ref.1). In three cases ignition was attributed to faulty electrical antifreeze equipment and in one instance to spark generated from a hand grinder. None of the events occurred after 1985. Ignited leaks therefore represent approximately only 3% of the totality of accidents which occurred in the period under review, with a resulting probability of $5.4 \times 10^{-3} \times 0.03 \approx 1.7 \times 10^{-4}$.

C3.2 Cause Analysis

A review of potential causes was undertaken for the set of events reported in Appendix 1 of Reference 1 for the period 1970 – 2000. Gas holder accidents were grouped under the categories indicated in Table C4, and a pie chart of the causal distribution given above is given in Figure C4.

Cause	Number of events	Percentage
Corrosion in water seal	24	19%
High winds	9	7%
Snow load	3	2%
Overfilling	13	10%
Low temperatures	1	1%
Evaporation	3	2%
Equipment / Mechanical Failure	34	27%
Human error	6	5%
Ignited seal	4	3%
N/R / other / unknown	30	24%

Table C4 Causal distribution of gas holder accidents for the period 1970 – 2000.

For a large percentage of accidents (24%), the cause was not reported or was reported as unknown. For the remaining cases, the two predominant accident roots are mechanical / equipment failures (38%), with a distinct high contribution of water seals failing due to corrosion (19%) and a substantial single contribution from failure of the antifreeze system. It is interesting to note that, out of the four instances resulting in fire, in three cases ignition was attributed to faulty electrical antifreeze equipment. The next most significant source of releases is overfilling (due to mechanical problems or human error).

Factors such as low temperatures, snow load and evaporation, identified in Reference 1 as potential causes for major accidents (de-couplement and holder collapse), have been recognised as the possible origin of a small number of releases (1 instance due to low temperatures, 3 due to snow load and 3 due to evaporation over 30 years). However, in none of these events were large releases reported and the overall contribution, compared to the total number of accidents, is of little significance. On the other hand, in Reference 1, a greater number of events (9) are attributed to (or were recorded as occurring in the presence of) high winds, also recognised as a potential cause for major accidents.

The following initiators are of particular interest for gas holder safety assessments and hence have been considered separately:

- Split crown
- Overfilling
- Seal failure

Table C5 below summarises statistical data and frequencies related to the three initiators. Frequencies have been calculated as fractions of the total average frequency derived above (5.4×10^{-3}).

Initiator	Number of events	Percentage over total number of events	Frequency
Split crown	7	5.5%	3.0×10^{-4}
Overfilling	13	10.2%	5.6×10^{-4}
Seal Failure	33	25.9%	1.4×10^{-3}

Table C5 Statistical data and frequencies related to accident caused by: split crown, overfilling, and seal failure.

Whereas release quantities were not specified for any of the split crown events, a number of overfilling and seal failure accidents were reported to have resulted in leaks of different severity, including major releases.

C3.3 Release Size Assessment

A classification of accidental releases from gas holders reported in Reference 1 for the period 1970 – 2000 was carried out on the basis of the mass of gas. When considering the quantification of releases, there is an even greater percentage of cases (55%) for which the amounts of gas released are not specified. If the same severity distribution from quantified releases (45% of events) is applied to the 55% un-quantified events, reasonably conservative release percentages can be estimated. Actual and projected figures are summarised in Table C6 below, and the release distributions given in the table are represented in Figures C5 and C6 through pie charts.

Quantity of gas released [te]	Number of actual events	Percentage	
		Reported	Projected
0 – 10	30	24%	53%
10 – 20	8	6%	14%
20 – 30	3	2%	5%
30 – 40	4	3%	7%
40 – 50	11	9%	19%
> 50	1	1%	2%
NR	70	55%	

Table C6 Release distribution of gas holder accidents for the period 1970 – 2000.

The majority of recorded releases (24% reported, 53% projected) were relatively small. A small number of reported accidents (11) gave rise to gas leaks between 40te and 50te. These were all attributable to mechanical / equipment failure, including corrosion in the water seal. In total, 16 ‘major releases’ which gave rise to discharges greater than 30te are reported in Reference 1, i.e. 13% of the total number of accidents considered. However, if same the severity distribution from quantified releases is also applied to un-quantified events, a considerably greater contribution of major release would be obtained, corresponding to an estimated percentage of 28%. It is evident how crucial would be the knowledge of the effective distribution of events for which information is undisclosed or partial.

C4 DISCUSSION

The causal distribution of accidental leaks recorded for the period 1970 – 2000 was derived, as reported in Section C.3.2. The analysis showed that the predominant causes for gas holder accidents are mechanical / equipment failures including corrosion of seals, followed by overfilling. Extreme weather conditions (snow loading, extreme temperatures and high winds) have been identified in Reference 1 as potential causes of de-couplement or total collapse of gas holders. However the recorded experience shows that only in very sporadic instances did snow loading and extreme temperatures result in minor releases (3 and 1 incidents respectively). A greater number of incidences (9) were attributed to high winds.

It is interesting to note that only 4 cases of ignited leaks were recorded, over 127 accidents. None of the accidents recorded to have caused major releases ignited. Recent historical data demonstrate that the percentage of all accidents escalating in the ignition of leaks is very small – 3%. It may be argued that, in past years (e.g. 1920s – 30s), the ignition sources in the vicinity of gas holder installations would be many more. On the other hand, however, electrical antifreeze equipment, which appears to have been the cause for three out of four ignited releases and a number of further non-ignited leaks, was not used at the time. For ignited releases from total collapse / de-couplement accidents, the mechanisms of ignition could be different. Sources such as metal / metal sparking during collapse could be intrinsic to the accident modality and very local to the leak, causing ignition to be nearly instantaneous and more probable.

Release distributions were also derived for the same set of recent accidents. The majority of recorded releases (23%) were smaller than 10te. Only a small number of accidents (12), all due to mechanical / equipment failures, gave rise to gas leaks greater than 40te. These represent 10% of the reported events. However, if the severity distribution from quantified releases (45% of events) is applied to the 55% un-quantified events, the percentage of releases greater than 40te would go up to 21%.

C5 CONSIDERATION OF IGNITION PROBABILITY

Since the molecular weight of methane is 16, its density is only 55% of that of air, ie. 0.678kg/m³, and any release of natural gas will experience a significant buoyancy force. This will lift it up, and hence away from the ground where most likely ignition sources will be present. The effects of this buoyancy can be approximately assessed by assuming that any large volume of gas which is released will form a sphere, which will accelerate until it rises through the air with a terminal velocity.

Mass released = M kg

$$\text{Volume release} = \frac{M}{0.678} \text{ m}^3$$

$$\text{Radius of Sphere} = \left(\frac{3}{4\pi} \times \frac{M}{0.678} \right)^{1/3} = 0.71M^{1/3} \quad (m)$$

Downward force on sphere = Mg

$$\text{Upward buoyancy force} = \frac{M}{0.678} \times 1.225g$$

$$\begin{aligned} \text{Hence, net upward force} &= Mg \left(\frac{1.225 - 0.678}{0.678} \right) \\ &= 0.81Mg \end{aligned}$$

If this bubble moves upwards at v m/s, the drag force = $\frac{1}{2} \rho A V^2 C_D$, where

ρ = density of air

C_D = drag coefficient (=2 for a sphere)

A = cross sectional area of bubble

$$= \pi r^2 = 1.58 M^{2/3}$$

The terminal velocity is attained when the net upward force is equal to the drag force:

$$0.81Mg = \frac{1}{2} \times 1.225 \times 1.58 M^{2/3} \times V^2 \times 2$$

ie.
$$V^2 = \frac{0.81gM^{1/3}}{1.225 \times 1.58} = 4.08M^{1/3}$$

Hence $V = 2.02M^{1/6}$

For M=78,000kg (78t), this gives a terminal velocity of around 13m/s. It can be shown that 95% of this velocity is attained within the first 3 seconds, at which time the gas 'bubble' will have risen around 24m. Clearly, the gas will begin to disperse, forming a slightly less buoyant but larger cloud, for which the buoyancy force will be reduced, and the radius (and therefore the drag force) increased. However, the release mechanism is such that there is unlikely to be rapid initial mixing, which implies that the other calculations given above will apply to first order.

Although the HSE assessment of the 6 major releases in the early 20th century implied an ignition probability of 50%, this is considered to be overly conservative for the following reasons:

- a.) The greater ignitability of town gas (predominantly hydrogen) than that of the currently used natural gas (predominantly methane).
- b.) The potential under-reporting of large unignited releases. (It is unlikely that large ignited releases would go unreported.)
- c.) The size of the buoyancy effects noted above.
- d.) The historical record for 1970-2000, which shows an ignition probability of 3% overall and of zero for large releases.

On the basis of this information, it is proposed that an ignition probability of 10% is used for total collapse and decouplement events.

C6 CONCLUSIONS

Frequencies of accidents involving total collapse and seal de-couplement of gas holders were derived from statistical treatment of historical data. The figures obtained in Section C2.1 are reported in Table C7.

The only accidents involving de-couplement and total collapse with ignition, recorded in the industry, have occurred several decades ago and no other such accidents have been reported since. Hence, estimates of frequency expectancy, excluding the past events have been derived through the application of the Poisson distribution model using the approximate numbers of gas holder years since nationalisation (1950) and for the whole accident free period (since 1930). An ignition probability of 50% for major accidents and a further 10% probability of total collapse were assumed in Reference 2 (these factors were applied in Section C2.2. However, as described in Section C3, the results obtained from recent historical data related to accidents experienced recently in gas holders, show that only 3% of gas leaks resulted in ignitions. Since 1970, 16 events resulting in gas releases greater than 30te were reported, however none of these ignited. This historical evidence suggests that the 50% ignition probability assumed above may be too conservative. Hence, an ignition probability of 10% is considered more realistic and was applied to derive the expected frequencies reported in Table C7. The table summarises frequencies obtained in this study through the analysis of historical data and through the application of the Poisson distribution as well as the corresponding figures derived in References 1 and 2.

Accidents involving total collapse and decoupled seal (or worse) with ignition	Frequency (cpm / holder / year)				
	From historical data on accidents		Estimates from Poisson distribution		
	Ref. 1	Calculated	Ref. 2 since 1950	Calculated since 1950	Calculated since 1930
All	~15	11.5	21	15	~9
Decoupled seal (or worse) with ignition	~10	5.7	10	~1.5	~0.9
Total collapse with ignition	~5	3.8	~1	~0.15	~0.1

Table C7 Comparison between predicted frequencies for accidents involving total collapse and decoupled seal (or worse).

REFERENCES

- 1 Revision of HSE’s LUP assessment methodology for low pressure, water sealed, natural gas, gas holders. Part 4 – Decoupled seal and holder collapse events.
- 2 A Revised Three Zone LUP Siting Policy for Low Pressure, Water-Sealed Gas Gasholders Containing Natural Gas – Annex 2.

FIGURE C2 Events involving gas leaks from water-sealed gas holders between 1970 and 2000

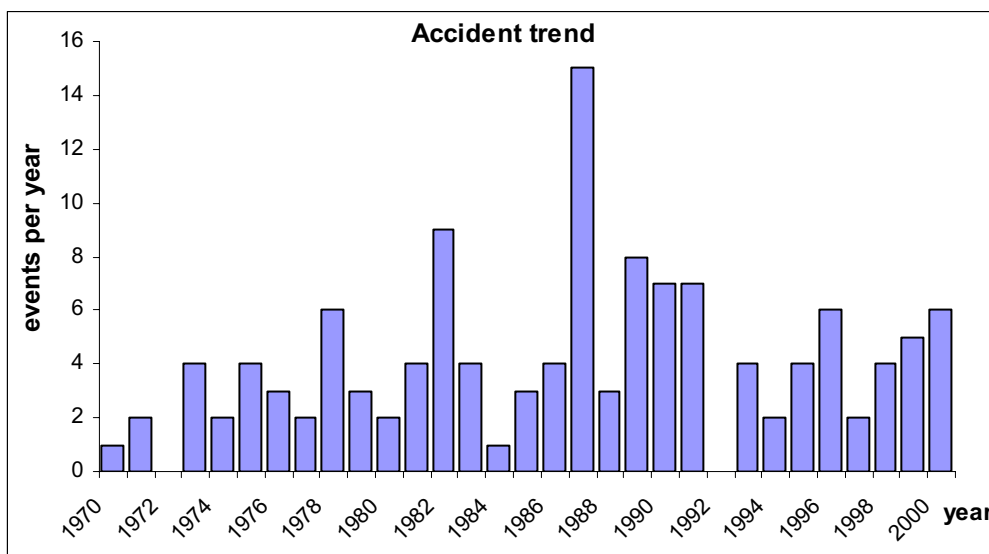


FIGURE C3 Frequency of leak per holder per during the operational years between 1970 and 2000

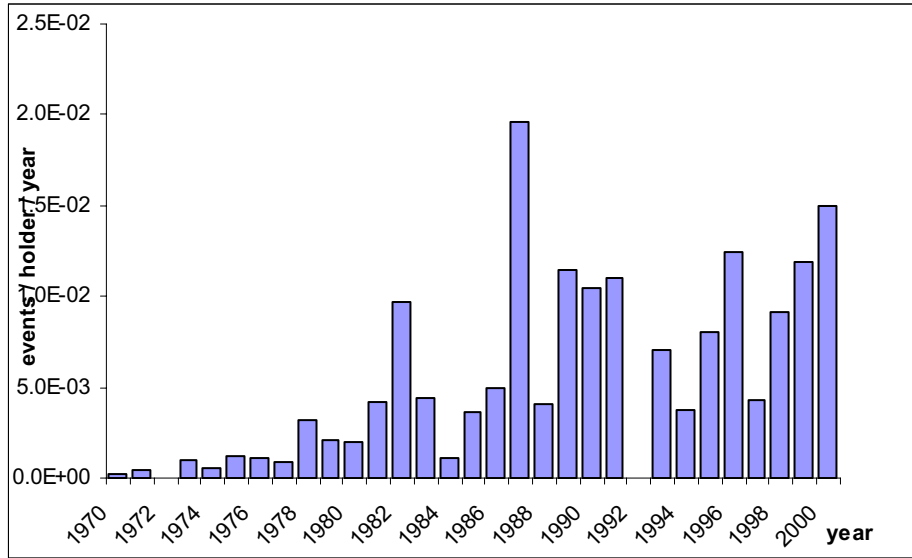


FIGURE C4 Causal distribution for gas holder events occurring between 1970 and 2000

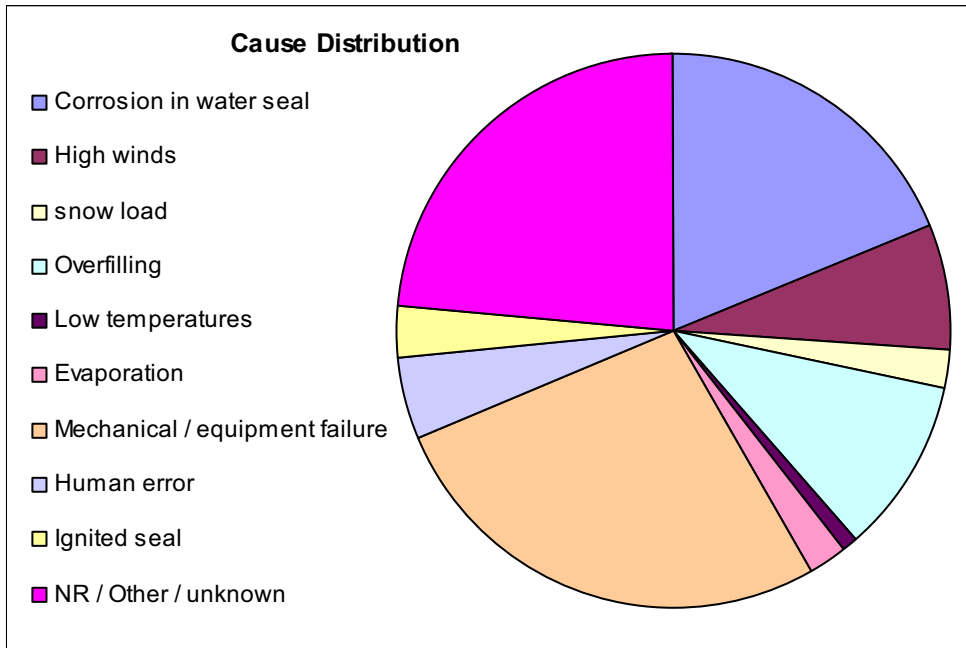


FIGURE C5 Release distribution for gas holder events occurring between 1970 and 2000

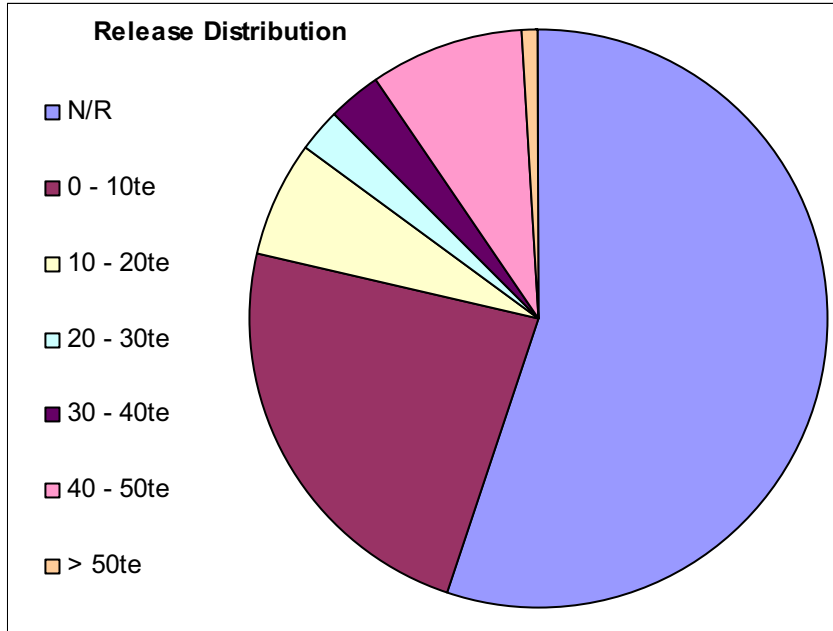
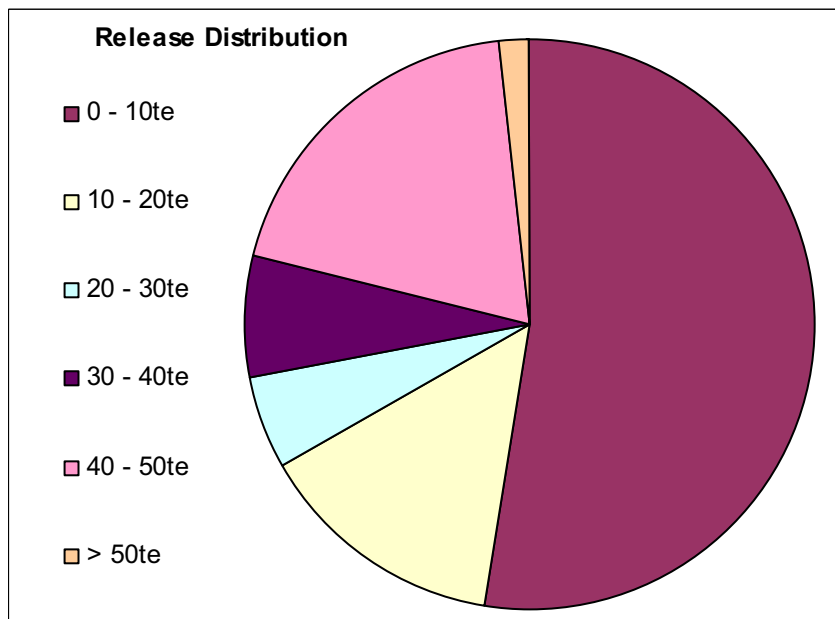


FIGURE C6 Release distribution for gas holder events occurring between 1970 and 2000 obtained by applying the severity distribution from quantified releases to un-quantified events



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ATKINS

Appendix 1d

Comments on Atkins Oil & Gas assessment by HSE

1. In HSE's opinion, Atkins' assessment methodology for gasholders is not technically robust, and consequently they have significantly underestimated the risks to people at 33-37 The Oval. There is a real and recognised danger in allowing new intensive development, particularly of a multi-storey nature, close to water-sealed gasholders. This is the reason HSE sought and were granted 'call-in' of the application for the amended development even though it would have located slightly further away from the holders than the present, partly-constructed building. Whilst holders are proven storage technology, the additional measures that can be taken to prevent accidental escapes or mitigate their consequences are limited. It is for this reason that maintaining adequate separation from off-site development is crucial for this type of major accident hazard. In our opinion, the 'hardening' of the building in an attempt to reduce the risk is unacceptable where the occupants have no control over their exposure and obtain no direct benefit from it. Furthermore, comparisons of involuntary risk with generalised benchmarks such as annual risk of all deaths (including natural causes) or those where the population benefits in some way (employment) is misleading, particularly for a non-specialist audience, eg. the Council.
2. HSE considers that a gas escape when one or more of the water seals fail is also a serious major accident hazard. Such failures can occur for a number of reasons, including weather effects. There are typically 3 large gas escapes from seal failure each year in the country's holder population: on average at least one of these exceeds 30 tonnes. There were three large seal escapes last year, of which two occurred at holder stations in London. A holder at Bethnal Green suffered a large seal escape in 1986 which closed Liverpool Street Station: its cause was thought to have been vandalism.
3. Historically seal escapes have not resulted in significant harm, probably because of the reasonable separation between most holders and adjacent development, particularly of an high-rise nature. However, there have been five known seal fires (a very tall sheet of highly radiative flame around the holder's circumference) in the last 35 years. At least two of these required the evacuation of neighbouring populations. A seal fire is a potential precursor of a holder decouplement and collapse 'fireball' event.
4. If a seal escape does not ignite immediate, it can result in a flammable gas cloud which does not necessarily disperse upwards as expected. In wind speeds over 5m/s, the wake effect around the holder can cause the gas cloud to extend horizontally and downwards. This has been demonstrated in wind-tunnel and 1/3-scale practical tests. HSE knows of only one 'model' which has been satisfactorily validated for this type of dispersion. Predictions from a general purpose dispersion model such as HGSYSTEM would need very careful interpretation if they are not to mislead, particularly in view of the relatively short distance of interest (~20m).
5. The flammable cloud from a seal escape is predicted to extend out to 80m or more from the side depending on the diameter and type of holder under certain wind speeds. The cloud from a failed upper seal, if not already touching the ground, will descend as the holder empties enveloping anything in its path. There is little that can be done once a seal has failed other than to empty the holder into other available storage, but this can not be done quickly. By coincidence, one recent escape started when a technician was present on a holder station. Even though he was able to initiate prompt emergency emptying, half of the holder's contents still escaped.

6. Whilst a ground roughness length of 0.3 may be suitable for predicting long distance dispersion over an urban environment, it is unlikely to suitably represent the relatively short and 'open' distance between the two holders and 33-37 The Oval. In view of the 'knock-down' effect the holder has on gas dispersing in its wake, it is unlikely that the holder station perimeter wall will provide any significant mitigation.
7. It is HSE's understanding that the 18m exclusion distance for ignition sources (it is not claimed to be a safe separation distance) in IGEM SR4 was derived from early wind-tunnel tests which indicated a higher degree of buoyancy than was eventually found to be the case. The 2nd edition of the Safety Recommendations is now over 10 years old and when revised will no doubt more accurately reflect current knowledge.
8. Major holder failure (decouplement or collapse) has resulted in flames reaching ground level. At least one early Home Office investigation report describes people running to escape the fire as a holder collapsed.
9. Atkins has calculated the chance of safe dispersion (ie. no ignition) from a seal escape as 93% which appears unreasonably high in view of the short separation to high-rise, mainly residential nature of the 33-37 The Oval development.
10. Atkins' back analysis of the National Grid split crown explosion results is incorrect.
11. HSE disagrees with the event frequency analysis in Annex C. The information on which the analysis is based was obtained from the HSE and was not claimed to be exhaustive. The data was gathered for the specific purpose of determining whether the expected frequencies of decouplement and collapse major accidents exceeded that required to support a protection concept 'siting policy' for providing land use planning advice. When the necessary number of past events had been identified, HSE terminated its search. Other unidentified 'large scale' holder accidents have probably occurred in the past and consequently the Atkins' analysis could significantly underestimate the frequencies of these types of event.
12. As a result of Atkins' misunderstandings they have significantly underestimated the individual and case societal risks at 33-37 The Oval, possibly by more than a factor of five but probably by less than an order of magnitude. This appears to have mostly been caused by their inaccurately short seal escape dispersion distances (resulting from an unsuitable dispersion model, optimistic effect of perimeter wall, inappropriate ground roughness) and, consequently, very low ignition probabilities for this event. However, their very probable underestimation of the frequencies for larger major accident events will also have contributed.
13. The 'call-in request' SRI comparison values of 500,000 and 750,000 should only be used with individual risk values of receiving a dangerous dose or worse. HSE's unpublished comparison values for use with risk of death, as Atkins have used in their SRI calculation, are significantly lower so the comparison is inappropriate.
14. Gasholders are not used for just 6 months of the year. Holders were seen fully inflated in July this year. The current hazardous substances consent for the Bethnal Green Holder Station does not constrain storage to certain times of the year. However HSE notes that the Council, acting as Hazardous Substances Authority, has the power to modify the consent if it wishes, although we understand that compensation may be payable to the operator if they did so.
15. It is noted that Atkins advises that ideally both terraces should be removed or made inaccessible for normal use. In HSE's opinion signage is unacceptable as a way of

ensuring the absence of ignition sources. In view of their underestimated dispersion distances, Atkins' recommendation regarding the occupation of front terraces is unsound. Furthermore, openings further than 18m from the gasholder could result in gas ingress and an internal building explosion under certain weather conditions.

16. A normal construction building is unlikely to withstand the almost 1 bar overpressure predicted by Atkins. Furthermore, the application of film or the provision of shatter-proof windows may at best just result in the blast forces being transferred to the frames and adjacent wall which in turn could result in partial or complete building collapse. The adequate 'hardening' of normal buildings against heat and blast is highly specialised, requires considerable expertise and may be impossible for a partly constructed building.
17. HSE 'tolerability' framework in R2P2 was not designed to judge the incompatibility of proposed land uses close to major accident hazard establishments. Consequently, its attempted use by Atkins to justify the acceptability of the development at 33-37 The Oval is misleading. The substantial level of individual risk to occupants is the reason HSE sought and were granted 'call-in' of the application for the amended development even though it would have located slightly further away from the holders than the present, partly-constructed building.
18. The comparison of the risk to occupants with generalised benchmarks such as annual risk of all deaths (including natural causes) or those where the population benefits in some way (employment) is misleading, particularly for a 'lay' audience, eg. the Council, who are not used to making risk-based decisions.

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Appendix 1e

Response by Atkins Oil & Gas to HSE comments.

E1 General Comments

Atkins has sought to provide a realistic best estimate of the actual risks posed by the gas holders to the proposed development at 33-37 The Oval. In particular, it is recognised that there are always uncertainties in such an approach, and the rather more cautious HSE approach is considered to be entirely appropriate for use in the PADHI screening tool. However, even allowing for the variations in approach, many of the differences between the results are a consequence of the paucity of the data available, together with the uncertainties associated with their interpretation. This is discussed further in the detailed responses below.

E2 Detailed Responses

- 1) This seems to be a general criticism which is backed up by more detail in the subsequent comments. However, since there are some details here which are not specifically raised elsewhere, the response covers each briefly in turn.
 - a. It is generally accepted that an assessment of this nature includes many uncertainties, and these have been noted; on the basis of some of the new information which HSE has now identified, it is possible that there is a potential slight under estimate.
 - b. Whilst the building is multi-storey, its vertical cross section only just intersects with the most likely potential dispersion profiles (see Response 12).
 - c. Building hardening is a secondary issue, and would mitigate against minor incidents (see Response 16).
 - d. Presentation of risk with no comparison would be even more misleading (see Response 18).

It seems that there are 2 major issues:

- i. Dispersion modelling - this has been shown to give a minor change to the results (see Response 12)
- ii. Ignition probability - HSE have not given a robust rebuttal of the Atkins assessment (see Response 9 & 11).

It is therefore concluded that, using the currently available information, the results may be a slight underestimate, but are essentially a robust *best estimation* of risk. If HSE, or the gas distribution companies, were able to supply better or more up to date information, the assessment could be refined further.

- 2) These types of event have been considered, as leading to either seal fires or flash fires. Their modelling has been discussed in more detail in Response 12. The frequency of such events has been based on the information which has been reviewed in Appendix C, covering a 30 year period, which does not seem to bear out the '3 large seal escapes per year' which HSE refer to. Ignition probability is discussed in Response 7, and the general

lack of availability or accessibility of validated historical data is discussed in Responses 10 & 11.

- 3) Seal fires have been considered, and shown (Table 4.8) to contribute 33% to the risk at the nearest edge of the proposed development; as a result, the requirement for adequate evacuation provision has been recognised within the report. The fact that a seal fire may be a precursor to a larger fireball event does not affect the statistical analysis in Appendix C, since it has considered all large scale release and fireball events from whatever cause. It is also noted that there are existing developments already adjacent to gas holder sites, and that many of them are industrial, which could provide ignition sources, so lack of ignition may not be solely due to separation.
- 4) As the wind speed increases above 5m/s, so the more rapid mixing due to atmospheric turbulence will reduce the plume length. Results presented in Cleaver & Halford (2004) show that, even for the worst transient release from a 70m gas holder, concentrations above the lower flammable limit (LFL) exist only to 18m downwind at ground level (in extremely rare high wind speeds), although they may extend to around 35m downwind at higher elevations (around 15-20m high) in more common moderate wind speeds (5m/s). Note that further discussion regarding the use of HGSYSTEM has been given in Response 12.
- 5) The 80m quoted here almost certainly refers to the distance to $\frac{1}{2}$ LFL, at which it is sometimes considered that ignition could occur. In practice, ignition is unlikely to occur at less than 70% of LFL, but the area covered by a flash fire will effectively be restricted to the smaller area covered by the LFL contour, in line with the most common modelling approach of such effects in QRA studies. See further discussion in Response 12.
- 6) The effective roughness length is determined by upwind fetch, as well as the distance over which the leak disperses. The value of 0.3m is considered appropriate to an urban area. In this particular case, its only effect on the QRA results will be a slight change to the flash fire distances.
- 7) The reference to IGEM SR4 was primarily for comparison and completeness, and is not critical to the QRA results presented. It is recognised that this may be updated in due course in the light of improved information.
- 8) Atkins agrees with HSE's comment, and so this point is not an issue, since the QRA has considered major holder failure (both total loss and decouplement). The fireball modelling for these cases allows for flames reaching ground level by taking 100% fatality probability within the area covered by the projection of the fireball radius onto the ground below.
- 9) This represents an ignition probability of 7%. Given the statistics reviewed in Appendix C, there appears to be at most an overall probability of ignition of any release from a gas holder of around 3-4%. Indeed, if the information was not exhaustive (as noted in HSE's comment 11), this is probably an over-estimate, since releases are much more likely to go unreported if they are unignited than if they are ignited.
- 10) Atkins cannot comment without further detail. However, it is noted a) that the contribution to risk from such events is small (<10%), and b) that the assessment of risks from Major Hazard sites would be considerably easier if more detail of the predictive aspects of COMAH reports could be made available. In this case, National Grid did supply some information, but it was not complete. Nevertheless, on the basis of a) above, this does not represent a major issue.

- 11) This is the only information which Atkins had available with which to perform such a frequency analysis. Given the current interest in developments close to gas holders, and the amount of potential development which could be affected, it would seem important to ensure that the best possible and fullest information is made available to interested parties so that the real risks can be quantified with greater certainty. It seems that the main difference between Atkins' analysis and HSE's interpretation is the appropriate value of ignition probability. This is discussed in some detail in Section C5, but HSE have made no specific attempt to refute or improve upon the analysis. It is understood that HSE have generally made rather conservative interpretations of the data, in order to decide whether certain major events should be used to set planning zone boundaries. Atkins agrees that this approach is entirely reasonable in the context of deriving a standard methodology for setting such boundaries. The approach taken by Atkins, however, has been to determine best estimate values, whilst remaining conservative, in order to ensure that a realistic understanding of the risks is obtained.
- 12) It is acknowledged that the dispersion of gas from a seal failure is a complex phenomenon, and may not be adequately modelled by a simple model such as HGSYSTEM. The alternative, as suggested by Cleaver and Halford and discussed in Responses 4 & 5 above, is also a simplification, in that it does not allow for the presence of adjacent gas holders, or the deflection of the flow by downwind obstructions such as walls. Nevertheless, the maximum downwind range to LFL which they give for a transient seal failure from a 70m gas holder (larger than any at Bethnal Green) is, as noted above, around 30-35m. It is important to note, however, that the results show this peak at around 15-20m above ground level. The presence of the boundary wall would deflect this further upwards, so that only a small part of the building would be within the flammable envelope.

The ignition probability which has been used has been taken from standard models, and is shown to be conservative relative to the historical data analysed in Appendix C. It is independent of the cloud envelope, and this approach is consistent with the level of detail which is used in current QRA modelling. In order to determine the effects of larger flammable envelopes, subsequent sensitivity calculations have been undertaken, in which the cloud footprints calculated from HGSYSTEM have been doubled (giving a *ground level* hazard range of around 27m, which is close to that from Cleaver & Halford, and envelops the nearest edge of the proposed development). This would increase the *outdoor* risk to 14.7 cpm at the nearest location, but would not change it at the furthest location.

Note that the results presented in the report are for risks to a person who is outdoors for 100% of the time. This is conservative, and was presented since there is little protection for people indoors from the major contributing events. With the modified modelling of flash fires described above, there is a greater difference, and the risk to a *residential* population (indoors 90% of the time) would only be increased from 11.7 cpm to 12.2 cpm. Overall societal risk will be little changed by this increase.

- 13) In Section 5.4, following the equation for SRI, it is explicitly stated that R is the risk of exceeding dangerous dose. Confusion seems to have arisen because the average R $[(15.4 + 8.9)/2 \text{ cpm}]$ is almost identical to the risk of fatality at 'Development nearest' [11.7 cpm]. Hence the comparison *is* appropriate.

It is noted that Atkins believes that the analysis has potentially *overestimated* the SRI value by using conservative numbers of residents at the development, relative to the way in which HSE would normally calculate SRI. Using an average value of 2.5 people per unit, the number of residents may be calculated as $14 \times 2.5 = 35$, and the *effective*

number of office workers can be reduced by a factor of 4 ($16 \times 0.25 = 4$) in line with the detail given in the paper by Carter (1995).

Taking $n = 35$ people for 70% of the time and $n=39$ people (residents + $0.25 \times$ workers) for 30% of the time, $R = (15.8+8.8)/2=12.3$ cpm, (based on the revised risks calculated as noted in Response 11) and $A = 0.056$ ha (approximate area), gives:

$$SRI = \frac{(35 + 35^2)/2 \times 12.3 \times 0.70}{0.056} + \frac{(39 + 39^2)/2 \times 12.3 \times 0.30}{0.056} \approx 148,000$$

This is actually around half of that presented in the report. It is noted that even an increase in R by a factor of 5 (as suggested by HSE) would result in the SRI being close to, but remaining less than, the 750,000 call-in value.

- 14) When enquiries were made of National Grid, they stated the operational profile which has been reproduced in Section 4.1. Since no account has been taken of this operational profile when determining the event frequencies, any changes to the profile would not change the risk estimates.
- 15) It is agreed that non-occupation would be better than signage. However, in view of the small difference between outdoor and indoor risks, such a measure may not reduce the risk significantly. The front terraces are more than 35m from either gas holder, and therefore, on the basis of the Cleaver & Halford dispersion results, are extremely unlikely to be within a flammable cloud.
- 16) It is agreed that building collapse would be the most likely result of the blast effects of the worst cases considered. However, much of the injury potential from lesser events (not specifically modelled in the QRA) would be from flying shards of broken glass, and this could be minimised by use of shatter-proof windows.
- 17) In no way is Atkins seeking to use R2P2 to justify the acceptability of the development. As stated in the second sentence of Section 5.3, it is used to set the level of risk in the context of typical major hazard risks. It has been acknowledged that the risks are rather higher than the levels which HSE would consider appropriate for a development of this nature, and it has been emphasised that it is Tower Hamlets' responsibility to weigh up these risks before making a final decision.
- 18) Quoting risks in terms of cpm would mean very little to a lay audience unless they were compared with something to which they could relate. Whilst the occupational risks quoted are at the higher end of such risks, and may not be experienced by many of the likely audience, road accident risks, for example, are events to which most people *can* relate. It is clear that the risks are different, but the list set out in Section 5.2 at least puts the magnitude of the risks at the development into context.

E3 Conclusions

The Atkins assessment potentially gives a slight under-estimation of the risks as discussed in Response 12 above. It is possible that there is a larger underestimate (roughly by a factor of 2) if some of the anecdotal information given in HSE's Comment 2 could be put onto a sound statistical footing. This implies that the risks would be relatively high but not intolerable. It also implies that, because of the relatively small scale of the development, the associated societal risk would be unlikely to exceed the SRI call-in criterion of 750,000.

Appendix 2

LONDON BOROUGH OF TOWER HAMLETS

Agenda Item number:	8.1
Reference number:	PA/05/00421
Location:	33-37 The Oval E2 9DT
Proposal:	Demolition of existing building and redevelopment to provide a five storey building comprising 3 Use Class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom).

1. ADDITIONAL VIEWS FROM HSE

- 1.1 The HSE believe that the Council's consultants (Atkins Oil and Gas) have had to make judgements in lieu of the Safety Report information that, because of security considerations, it did not have when producing its work. This has resulted in the risk predictions being lower than HSE would consider appropriate. This is covered in more detail in the next section (Report amendments). The HSE have also provided the following as further examples:

The 'Maximum Horizontal Downwind Dispersion Distances to LFL' should have been interpreted as at close to ground level, unless otherwise described. Consequently the advice that flammable gas escapes would exist only 10-20m above ground level, and would mostly pass over the proposed multi-storey development is incorrect.

Recent information from gasholder operators is that evidence has now been discovered that a small gasholder 'decoupled' in 1979. This would revise further upwards the risk predictions, particularly as the original report indicates the values to be very sensitive to increased fireball frequency (Table 4.9). Also, the operator's revised thermal radiation predictions for the Bethnal Green holders nearest to 33-37 The Oval indicate that the whole of the development site would be within the ranges at which most people would be expected to be killed (1800 thermal dose units) from a seal fire.

- 1.2 HSE remain of the opinion that Atkins Oil and Gas's revised risk estimate still underestimates the risks to people at the development should it be occupied and they repeat their concerns set out in para 8.12 of the main report.

2. REPORT AMENDMENTS

- 2.1 As mentioned above, in commenting on our report HSE have provided additional information to our consultants that was previously not available to them. A fuller review of the comments from HSE on the Atkins risk assessment has led Atkins to believe that some of the risks may have been underestimated by a factor of around 2 (this is reflected in appendix E in the report) rather than a factor of 5 as suggested by HSE. The following changes have been made to the report as a consequence, but these were too late to include before the agenda had to be published:

- 8.12 Add: Review against HSE's comments suggests that the risks could be around a factor of 2 higher than the original predictions (i.e. 25cpm; once in 40,000 years). This remains high but not intolerable.

8.13 Comparison now puts 'The development' above 'Manufacturing industry'

8.14 Add: Revised risk results give the increase in risk of 0.25%.

8.15 Note that IR may be up to 25cpm

8.23 Line 1 should include reference to latest estimate of 25cpm

2.2 The table on page 225 of the report is reproduced below with the amended data from both Atkins and HSE plus HSE's "broadly acceptable" and the "intolerable" risk level definitions:

Risks of fatality	Risk as annual experience per million	Risk as annual experience
Annual risk of death (entire population)	10,309 cpm	1 in 97
Annual risk of cancer	2,584 cpm	1 in 387
Annual risk from all types of accident	246 cpm	1 in 4,064
HSE intolerable level of risk	100 cpm	1 in 10,000
Annual risk from all forms of road accident	60 cpm	1 in 16,800
The development (HSE view)	60 cpm	1 in 16,800
Construction	59 cpm	1 in 17,000
Agriculture, hunting, forestry and fishing	58 cpm	1 in 17,200
The development (Atkins view)	25 cpm	1 in 40,000
Manufacturing industry	13 cpm	1 in 77,000
HSE broadly acceptable level of risk	1 cpm	1 in 1,000,000

2.3 These amendments do not alter the fundamental conclusions about risk nor the balance of considerations against the other material planning considerations in the report.

3. RECOMMENDATION

3.1 My recommendation is unchanged.