

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Tuesday, 4 August 2009 at 7.00 p.m.

A G E N D A

VENUE

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

Members:

Chair: Councillor Shafiqul Haque
Vice-Chair: Councillor Marc Francis

Councillor Shahed Ali
Councillor Alibor Choudhury
Councillor Stephanie Eaton
Councillor Rupert Eckhardt
Councillor Rania Khan
Councillor Shiria Khatun
Councillor Dulal Uddin

Deputies (if any):

Councillor Helal Abbas, (Designated Deputy representing Councillors Shafiqul Haque, Shahed Ali, Alibor Choudhury, Shiria Khatun, Marc Francis and Rania Khan)

Councillor Tim Archer, (Designated Deputy representing Councillor Rupert Eckhardt)

Councillor Peter Golds, (Designated Deputy representing Councillor Rupert Eckhardt)

Councillor Shirley Houghton, (Designated Deputy representing Councillor Rupert Eckhardt)

Councillor Sirajul Islam, (Designated Deputy representing Councillors Shafiqul Haque, Shahed Ali, Alibor Choudhury, Shiria Khatun, Marc Francis and Rania Khan)

Councillor Denise Jones, (Designated Deputy representing Councillors Shafiqul Haque, Shahed Ali, Alibor Choudhury, Shiria Khatun, Marc Francis and Rania Khan)

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)

[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: Paul Ward, Democratic Services, Tel: 020 7364 4207, E-mail: paul.ward@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Tuesday, 4 August 2009

7.00 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 25th June 2009.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 8	
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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.

	PAGE NUMBER	WARD(S) AFFECTED
5. PROCEDURE FOR HEARING OBJECTIONS		
To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.	9 - 10	
6. DEFERRED ITEMS		
6 .1 Hertsmere House, 2 Hertsmere Road , London E14 4AB	11 - 50	Millwall
7. PLANNING APPLICATIONS FOR DECISION		
7 .1 100 Violet Road, London, E3 3QH	51 - 84	Bromley-By-Bow
7 .2 2 Trafalgar Way, London	85 - 222	Blackwall & Cubitt Town
7 .3 438-490 Mile End Road, E1	223 - 266	Mile End & Globe Town

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

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 25 JUNE 2009

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

Members Present:

Councillor Shafiqul Haque (Chair)

Councillor Shahed Ali
Councillor Alibor Choudhury
Councillor Stephanie Eaton
Councillor Marc Francis
Councillor Shiria Khatun
Councillor Dulal Uddin

Councillor Tim Archer (Deputising for Councillor Rupert Eckhardt)

Other Councillors Present:

Councillor Ahmed Hussain

Officers Present:

Jerry Bell	– (Interim Strategic Applications Manager)
Megan Crowe	– (Legal Services Team Leader, Planning)
Mario Leo	– (Head of Legal Services - Environment)
Jen Pepper	– (Affordable Housing Programme Manager)
Owen Whalley	– (Service Head, Major Project Development, Development & Renewal)
Nadir Ahmed	– (Trainee Committee Officer)
Alan Ingram	– (Democratic Services)

1. ELECTION OF VICE-CHAIR

The Chair invited nominations for the election of the Vice-Chair of the Strategic Development Committee for the Municipal Year 2009/10.

On a vote of 4 for and 2 against, the Committee **RESOLVED** that Councillor Marc Francis be elected Vice-Chair of the Strategic Development Committee for the 2008/09 municipal year.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rania Khan and Rupert Eckhardt for whom Cllr Tim Archer was deputising.

Apologies for lateness were also received from Councillor Alibor Choudhury.

3. DECLARATIONS OF INTEREST

Councillor	Item	Type of Interest	Reason
Shafiqul Haque	8.1, 9.1 and 9.2	Personal	Correspondence received from concerned parties.
Shafiqul Haque	9.1	Personal	Application site within Councillor's ward.
Shahed Ali	8.1, 9.1 and 9.2	Personal	Correspondence received from concerned parties.
Alibor Choudhury	8.1, 9.1 and 9.2	Personal	Correspondence received from concerned parties.
Stephanie Eaton	8.1, 9.1 and 9.2	Personal	Correspondence received from concerned parties.
Marc Francis	8.1, 9.1 and 9.2	Personal	Correspondence received from concerned parties.
Shiria Khatun	8.1, 9.1 and 9.2	Personal	Correspondence received from concerned parties.
Dulal Uddin	8.1, 9.1 and 9.2	Personal	Correspondence received from concerned parties.
Tim Archer	8.1, 9.1 and 9.2	Personal	Correspondence received from concerned parties.

4. UNRESTRICTED MINUTES

The minutes of the meeting held on 13th May 2009 were agreed and approved as a correct record.

5. PROPOSED NEW SCHEDULE OF DATES 2009/10 & TERMS OF REFERENCE

Councillor Shahed Ali proposed an amendment that evening meetings of the Strategic Development Committee start at 7.00pm and the Members RESOLVED

- 1) That the Schedule of Dates be noted as detailed in Appendix 1 of the report;
- 2) That evening meetings of the Strategic Development Committee start at 7.00pm;
- 3) That the Terms of Reference be noted as detailed in Appendix 2 of the report.

6. RECOMMENDATIONS

The Committee RESOLVED that

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director 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.

7. PROCEDURE FOR HEARING OBJECTIONS

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

8. DEFERRED ITEMS

8.1 Eric and Treby Estates, Treby Street, Mile End, London

Councillor Archer asked that he be able to seek the views of the public present on the application and the Chair indicated that this would not be appropriate.

Councillor Archer proposed an amendment, seconded by Councillor Eaton, that conditions be added to ensure disabled parking is retained at Ennerdale House and provided on Brokesley Street and also requesting that the applicant enter discussions with the owner of the St Clements Hospital site regarding access to Brokesley Street via the hospital site for construction traffic. On a vote of 2 for and 3 against, the amendment was declared lost.

After consideration of the officer's report and the addendum update report, on a vote of 2 for and 2 against, with one abstention, on the Chair's casting vote, the Committee resolved not to approve officers' advice which was to grant

planning permission for the regeneration of the existing estate comprising the refurbishment of existing buildings, the demolition of 27 bedsits, two x one bed flats at 1-14 Brokesley Street, 106-128 Hamlets Way and 1-7 Burdett Road and the erection of buildings between 2 and 7 storeys to provide 181 new residential units (comprising 19xstudio, 61x1bed, 52x2bed, 40x3bed and 9x5bed), a new community centre of 310 sq m, a new housing management office of 365 sq m and 85 sq m commercial space. The Committee indicated it was minded to refuse planning permission on the grounds of loss of open space, loss of parking, especially disabled parking, the low number and percentage of social housing on the development and design and amenity issues. In accordance with rule 10.2 of the Constitution, the application was **DEFERRED** to a future meeting of the Committee to enable officers to present a supplemental report setting out the reasons for refusal and the implications of the decision.

(Cllrs Shiria Khatun and Dulal Uddin could not vote on the application due to not being present when the item was considered on 13th May 2009)

Officers advised that the application for Conservation Area Consent associated with the application for Planning Permission would now be withdrawn from the agenda.

The Chair adjourned the meeting at 8.33pm and reconvened at 8.42pm.

9. PLANNING APPLICATIONS FOR DECISION

9.1 News International Limited Site, 1 Virginia Street, London

Mr Tim Flood, a neighbouring resident, spoke in objection to the application.

Mr Matthew Gibbs, for the applicant, spoke in support of the application.

Councillor Marc Francis proposed an amendment, seconded by Councillor Eaton, restricting the hours of refuse collections and deliveries to between 8.00am and 9.00pm and setting the terminal hour for the roof garden as 11pm. With 5 votes for and 2 against, the amendment was declared carried.

After consideration of the officer's report and the addendum update report, the Committee resolved not to approve officers' advice which was to grant planning permission for the remodelling of the existing print works building and the adjoining Rum Warehouse building as a campus type office facility incorporating the creation of new retail space (A1-A3) and museum (D1); external alterations to the main print works building to include a landscaped roof terrace and works of alteration to the Rum Warehouse. Creation of, and revised vehicular and pedestrian access routes into and through the site; landscaping to provide publicly accessible space; car parking, access and servicing provisions The Committee indicated it was minded to refuse planning permission on the grounds of impact on the Grade II listed building;

impact on local residents, failure to meet GLA's guidelines on renewable energy; insufficient S106 obligations, particularly the shuttle bus service. In accordance with rule 10.2 of the Constitution, the application was **DEFERRED** to a future meeting of the Committee to enable officers to present a supplemental report setting out the reasons for refusal and the implications of the decision.

Officers advised that the application for Listed Building Consent associated with the application for Planning Permission would now be withdrawn from the agenda.

The Chair adjourned the meeting at 9.30pm and reconvened at 9.38pm.

9.2 Hertsmere House, 2 Hertsmere Road, London

Mr Kevin Connell, a neighbouring resident, spoke in objection to the application.

Ms Jocelyn Vandebossche, a neighbouring resident, spoke in objection to the application.

Mr Steven Brown, for the applicant, spoke in support of the application.

Councillor Marc Francis proposed an amendment, seconded by Councillor Choudhury, amending the wording of the S106 agreement by changing paragraph 3.2 b) in the report to read: "Provide a contribution of £3,581,553 towards transportation improvements including Crossrail". With 6 votes for and 2 abstentions, the amendment was declared carried.

After consideration of the officer's report and the addendum update report, the Committee resolved not to approve officers' advice which was to grant planning permission for the demolition of existing building. Erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping (maximum height 242 metres AOD). The Committee indicated it was minded to refuse planning permission on the grounds of unacceptable loss of daylight and sunlight, impact on Conservation Area including scale and massing; clarification required in relation to English Heritage's concerns, clarification required on S106 contributions, and design and amenity issues. In accordance with rule 10.2 of the Constitution, the application was **DEFERRED** to a future meeting of the Committee to enable officers to present a supplemental report setting out the reasons for refusal and the implications of the decision.

Officers advised that the application for Conservation Area Consent associated with the application for Planning Permission would now be withdrawn from the agenda.

The meeting ended at 10.15 p.m.

Chair, Councillor Shafiqul Haque
Strategic Development Committee

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 6.1

Committee: Strategic Development	Date: 4 th August 2009	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Director of Development and Renewal	Title: Town Planning Application and Conservation Area Consent		
Case Officer: Richard Murrell	Ref No: PA/08/02709 and PA/08/0710 (CAC)		
	Ward: Millwall (February 2002 onwards)		

1. APPLICATION DETAILS

Location: Hertsmere House, 2 Hertsmere Road , London E14 4AB
Existing Use: Office (Class B1 Use)
Proposal: Demolition of existing building.
Erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping. (Maximum height 242 metres AOD).

Drawing Nos/Documents: PA/08/02709
A1/PL/000 REVA, A1/PL/001 REVC, A1/PL/002 REVA,
A1/PL/003 REVB, A1/PL/004 REVA, A1/PL/005 REVB,
A1/PL/007 REVA, A1/PL/008 REVA, A1/PL/019 REVA,
A1/PL/021 REVB, A1/PL/028 REVA, A1/PL/029 REVA,
A1/PL/030 REVB, A1/PL/031 REVA, A1/PL/032 REVA,
A1/PL/033 REVB, A1/PL/034 REVA, A1/PL/046 REVA,
A1/PL/047 REVA, A1/PL/048, A1/PL/049, A1/PL/056 REVA,
A1/PL/057 REVA, A1/PL/058 REVA, A1/PL/059 REVA,
A1/PL/060 REVA, A1/PL/062 REVB, A1/PL/063 REVB,
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A1/PL/076 REVA, A1/PL/080 REVA, A1/PL/081 REVA,
A1/PL/082 REVA, A1/PL/083 REVA, A1/PL/085 REVA,
A1/PL/086 REVA, A1/PL/087 REVA, A1/PL/088 REVA,
A1/PL/090, A1/PL/091 REVB, A1/PL/092 REVB, A1/PL/093
REVA, A1/PL/094 REVA, A1/PL/095 REVB, A1/PL/096 REVB,
A1/PL/097 REVB, A1/PL/098 REVB, A1/PL/099 REVB,
A1/PL/101 REVA, A1/PL/102 REVB, A1/PL/103 REVB,
A1/PL/104 REVA, A1/PL/105 REVA, A1/PL/106 REVA,
A1/PL/107 REVA, A1/PL/108 REVA, A1/PL/109 REVA,
A1/PL/110 REVA, A1/PL/120 REVA, A1/PL/121 REVA,
A1/PL/122 REVA and A1/PL/123 REVA.

PA/08/02710
Site Location Plan and A1/PL/112A

- Environmental Statement and Further Information

*Prepared by URS Corporation December 2008, March 2009
and May 2009.*

- Design and Access Statement

Prepared by Mark Weintraub Architecture & Design Dec. 2008

- Planning Statement
prepared by GVA Grimley December 2008
- Transport Assessment and Interim Travel Plan
prepared by Steer Davies Gleave dated December 2008
- Sustainability Statement
Prepared by URS Corporation December 2008
- Consultation Sweep-Up (including revised Energy Statement, Access Statement and Aerodrome Safeguarding Assessment)
Prepared by various authors. April 2009.

Applicant: Commercial Estates Group for and on behalf of GMV Ten Ltd
Ownership: Commercial Estates Group
 EDF Energy
Historic Building: Site in vicinity of Grade I and Grade II Listed buildings.
Conservation Area: West India Dock

2. RECOMMENDATION

2.1 That the Committee resolve to **REFUSE** planning permission subject to:

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

For the following reasons:

1. The proposed development, by virtue of its design, scale and massing would detract from the setting of nearby Grade I and Grade II Listed buildings and would fail to preserve or enhance the character and appearance of the West India Quay Conservation Area and as such is contrary to policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004), saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998, and policies CON1 and CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control, which seek to ensure the preservation or enhancement of built heritage.
2. The proposed development would result in unacceptable loss of daylight and sunlight to nearby residential properties and as such is contrary to saved policies DEV1 and DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity.

2.2 That the Committee resolve to **REFUSE** Conservation Area Consent for the following reason:

1. The proposed building, by virtue of its design, scale and massing would not represent a suitable replacement for the existing building. The proposed demolition of the existing office block on-site is therefore contrary to the objectives of saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control.

3 BACKGROUND

3.1 Applications for planning permission and conservation area consent were reported to Strategic Development Committee on 25th June 2009 with an Officer recommendation for approval.

- 3.2 Member's expressed concern over the design of the proposed building, the impact on the Conservation Area, the setting of adjacent Listed buildings, and on the impact on the amenity of neighbouring occupiers. Member's voted to defer making a decision to allow Officer's to prepare a supplemental report setting out the reasons for refusal and the implications of the decision. The proposed reasons for refusal are set out at Section 2 of this report.
- 3.3 Member's also sought clarification on the views of English Heritage on the amended design of the tower, and clarification on the use of the proposed S106 financial contributions.
- 3.4 English Heritage have now sent an updated consultation response in relation to the amended plans that were submitted. The response states:-

'Our [English Heritage's] letter of 3 June 2003 which concerned the original proposal (ref: PA/03/0475) stated that it is *'our view that the form and design of the podium building is overburdened with dubious historical and architectural references and poorly integrated with its surroundings'*.

We note the revisions which have been made with regard to the podium elements. In our view, the simplification of the architectural language has gone some way to answering those particular concerns.

The original proposal was carefully considered by our London Advisory Committee following a site visit. Our comments with regard to its overall impact remain as expressed in our letter of 3 June 2003'

- 3.5 The original committee report included a proposed S106 contribution towards 'Transportation Improvements'. It was intended that this contribution would have been made to Transport for London for use to fund Crossrail.

Implication of decision

- 3.6 Following the refusal of the application there would be a number of possibilities open to the Applicant. These would include (though not be limited to):-
- i) Implementation of the previously approved planning permission (reference PA/03/00475);
 - ii) Resubmission of an amended scheme to overcome reasons for refusal;
 - iii) Lodge an appeal against the refusal of the scheme. The Council would vigorously defend any appeal against a refusal. It should be noted that following an appeal, the Secretary of State can make an award of costs if either party to the appeal has acted unreasonably.

- 3.7 Members are also advised that the Government is currently consulting on proposals to amend planning legislation to allow an application to be made to extend the time available to implement a planning permission. Such a provision may allow the Developer to extend the life of application reference PA/03/00475, which would otherwise expire in March 2010.

4.0 Conclusions

All other relevant policies and considerations have been taken into account. Planning permission and Conservation Area Consent should be REFUSED for the reasons set out in the RECOMMENDATION at the beginning of this report.

5.0 APPENDICIES

- 5.1 Appendix One - Original committee report to Members on 25th June 2009
- 5.2 Appendix Two – Addendum to main committee report to Members on 25th June 2009

Committee: Strategic Development	Date: 25 June 2009	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application and Conservation Area Consent
Case Officer: Richard Murrell	Ref No: PA/08/02709 and PA/08/0710 (CAC)
	Ward: Millwall (February 2002 onwards)

1. APPLICATION DETAILS

Location: Hertsmere House, 2 Hertsmere Road , London E14 4AB
Existing Use: Office (Class B1 Use)
Proposal: Demolition of existing building.

Erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping. (Maximum height 242 metres AOD).

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A1/PL/021 REVB, A1/PL/028 REVA, A1/PL/029 REVA,
A1/PL/030 REVB, A1/PL/031 REVA, A1/PL/032 REVA,
A1/PL/033 REVB, A1/PL/034 REVA, A1/PL/046 REVA,
A1/PL/047 REVA, A1/PL/048, A1/PL/049, A1/PL/056 REVA,
A1/PL/057 REVA, A1/PL/058 REVA, A1/PL/059 REVA,
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A1/PL/082, A1/PL/083 REVA, A1/PL/085 REVA, A1/PL/086
REVA, A1/PL/087 REVA, A1/PL/088 REVA, A1/PL/090,
A1/PL/091 REVB, A1/PL/092 REVB, A1/PL/093 REVA,
A1/PL/094 REVA, A1/PL/095 REVA, A1/PL/096 REVA,
A1/PL/097 REVA, A1/PL/098 REVA, A1/PL/099 REVA,
A1/PL/101 REVA, A1/PL/102 REVA, A1/PL/103 REVA,
A1/PL/104 REVA, A1/PL/105 REVA, A1/PL/106 REVA,
A1/PL/107 REVA, A1/PL/108 REVA, A1/PL/109 REVA,
A1/PL/110 REVA, A1/PL/120 REVA, A1/PL/121 REVA,
A1/PL/122 REVA and A1/PL/123 REVA.

PA/08/02710
Site Location Plan and A1/PL/112A

- Environmental Statement and Further Information
Prepared by URS Corporation December 2008, March 2009 and May 2009.
- Design and Access Statement
Prepared by Mark Weintraub Architecture & Design Dec. 2008
- Planning Statement
prepared by GVA Grimley December 2008
- Transport Assessment and Interim Travel Plan
prepared by Steer Davies Gleave dated December 2008
- Sustainability Statement
Prepared by URS Corporation December 2008
- Consultation Sweep-Up (including revised Energy Statement, Access Statement and Aerodrome Safeguarding Assessment)
Prepared by various authors. April 2009.

Applicant: Commercial Estates Group for and on behalf of GMV Ten Ltd
Ownership: Commercial Estates Group
 EDF Energy
Historic Building: Site in vicinity of Grade I and Grade II Listed buildings.
Conservation Area: West India Dock

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of these applications 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:

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- The redevelopment of an under-utilised site with additional office floorspace, hotel rooms, serviced apartments and associated commercial uses will consolidate and support the future economic role of the north of the Isle of Dogs as an important global business centre. The scheme therefore accords with policies 3B.3, 3D.7 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), policies ART7, DEV3 and CAZ1 of the Council's Unitary Development Plan 1998, policies CP8, CP13 and EE4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and policies IOD13 and IOD15 of the Interim Planning Guidance Isle of Dogs Area Action Plan, which seek to develop and support Canary Wharf's roles as a leading centre of business activity.
- A contribution has been secured towards the provision of off-site affordable housing in lieu of the absence of any on-site housing. This accords with the requirements of London Plan (consolidated with Alterations Since 2004) policy 5G.3, which identifies Canary Wharf as an area where an off-site provision of housing should be accepted as on-site housing would compromise the broader objectives of sustaining important clusters of business activities.
- The building's height, scale, bulk and design is acceptable and accords with regional and local criteria for tall buildings. The proposal is therefore acceptable in terms of policies 4B.8, 4B.9 and 4B.10 of the London Plan (Consolidated with alterations since 2004), saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies CP48, DEV1, DEV2, DEV3, CP46, DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007), which seek to ensure buildings

are of a high quality design and suitably located.

- The high quality design of the tower ensures the development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance with London Plan (Consolidated with Alterations since 2004) policies 4B.1, 4B.8 and 4B.9, policy DEV8 of the Council's Unitary Development Plan and policies CP48 and CP50 of the Council's Interim Planning Guidance (2007), and which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- The proposal will enhance the setting of nearby Grade I and Grade II Listed buildings and will enhance the character and appearance of the West India Quay Conservation Area by the replacement of the existing building with an example of high quality architecture and as such accords with policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004), policy DEV28 of the Council's Unitary Development Plan 1998 and policies CON1 and CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control, which seek to ensure the preservation or enhancement of built heritage.
- The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the urban context of the site and as such accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity.
- Sustainability matters, including energy, are acceptable and accord with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan (Consolidated with Alterations since 2004) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable development..
- Transport matters, including parking, access and servicing, are acceptable and accord with London Plan (Consolidated with Alterations Since 2004) policies 3C.1 and 3C.23, policies ST34, T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Contributions have been secured towards the provision of transport infrastructure improvements; open space and public realm 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.

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- The existing building makes no significant contribution to the character of the West India Dock Conservation Area and there is no objection to its demolition subject to it being replaced with a suitably designed alternative. The proposal therefore accords with the requirements of policy DEV28 of the Council's Unitary Development Plan

and policy CON2 of the Council's Interim Planning Guidance, which seek to ensure high quality development that enhances the character of Conservation Areas.

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:

3.2 Financial Contributions

- a) Provide a contribution of £1, 155, 340 towards the provision of off-site affordable housing;
- b) Provide a contribution of £3, 581, 553 towards transportation improvements;
- c) Provide a contribution of £332, 756 towards local employment and training initiatives;
- d) Provide a contribution of £433, 252 towards the improvement of local parks, open spaces and public realm; and
- e) any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.3 Non-financial Contributions

- f) Travel Plan;
- g) Publicly accessible pavilion and upper floor restaurant /bar;
- h) TV and Radio Reception Monitoring;
- i) Maximum duration occupancy 90 days for serviced apartments
- i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

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

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

3.6 **Conditions**

- 1) Time Limit (5 years)
- 2) Details of external materials including 1:1 scale sample of cladding system
- 3) Details of ventilation / fume extraction equipment for commercial units
- 4) Details of hours of opening of commercial units
- 5) Details of noise output and mitigation measures for all plant
- 6) Details of hard and soft landscaping
- 7) Assessment and mitigation for impact on microclimate
- 8) Details of mitigation from Crossrail noise and vibration
- 9) Provision of aviation warning lighting
- 10) Details of allocation of car-parking spaces between uses
- 11) Details of provision of cycle parking for serviced apartments
- 12) No additional car-parking to be provided
- 13) Energy Strategy to be implemented
- 14) Submission demonstrating building meets BREEAM 'Excellent' standards

- 15) Demolition and Environmental Construction Management Plan required. Including: - Feasibility study and details of moving waste and materials by water during construction, limits of hours of construction work, protection of trees.
- 16) Details of foundation construction method
- 17) Provision of notice to Crossrail for commencement of foundation works.
- 18) Survey and scheme of improvements to dock wall
- 19) Assessment of structural integrity of basement
- 20) Assessment potential groundwater contamination
- 21) Prevention of light-spill onto waterway.
- 22) Service Management Plan
- 23) Land contamination assessment required
- 24) Programme of archaeological work required
- 25) Landscape Management Plan including measures to promote biodiversity
- 26) Water supply infrastructure required
- 27) Further detail air quality impact and mitigation
- 28) Risk and Method Statement for works adjacent to water
- 29) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.7 **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

3.8 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.

3.9 That the Committee resolve to **GRANT** Conservation Area Consent subject to:

Conditions

No demolition to take place until a planning permission has been granted for the redevelopment of the site.

No demolition until scheme of demolition management approved.

4. **PROPOSAL AND LOCATION DETAILS**

Background

4.1 Applications for planning permission (reference PA/03/00475) and Conservation Area Consent (PA/03/00878) for an almost identical 63 storey building to that which is currently proposed, were reported to Development Committee on 18th March 2004. Committee resolved to grant permission subject to conditions and a S106 agreement. Following the completion of the S106 agreement permission was granted on 2nd March 2005.

- 4.2 The building has not been constructed. The existing permissions remain extant, however they are due to expire on 2nd March 2010.
- 4.3 Following amendments to planning legislation it is no longer possible to extend the life of an unimplemented permission. Consequently the Applicant has submitted a new application to extend the time available to commence the development. The Applicant has stated that the reason the additional time is required is to avoid the construction of the tower conflicting with the engineering works being carried out under the site as part of the Crossrail tunnelling.
- 4.4 The Applicant has made some amendments to the design to bring the scheme into accordance with current policy and to respond to objections made during the course of consultation.
- 4.5 The revisions include:-
- Amendment to external plan form,
 - Amendment to detailed design of roof and podium,
 - Alterations to elevation treatment,
 - Incorporation of additional renewable energy,
 - Additional visitor cycle parking,

Proposal

- 4.6 The application proposes the demolition of the existing building and the redevelopment of the site with a ground and 63 storey building (maximum height 242 metres AOD). The building will provide a mixture of office, hotel, serviced apartments commercial and leisure uses.
- 4.7 The building would comprise a two storey basement. A ground and two storey podium would sit above this rising to a height of 18m AOD. The tower itself would rise above the podium to a maximum of 63 storey (242m AOD).
- 4.8 The uses within the building are vertically stacked. The podium provides retail space and a double height publicly accessible pavilion / winter garden. The office use occupies the low rise section of the tower, then the fitness and leisure centre in the mid-rise section. The hotel and serviced apartments occupy the high-rise zone. The top of the building is capped with penthouse hotel suits, a restaurant and a bar.
- 4.9 The basement provides parking and plant space. Various upper floors provide additional plant and 'back of house' space.
- 4.10 The ground floor pavilion/winter garden, high-level bar and restaurant would be accessible to the public.
- 4.11 The floorspace provided for each use given in the table below:-

Use	Gross External Floor Area (square metres)
Office (Use Class B1)	30, 871
Hotel (Use Class C1)	30, 081 (192 rooms)
Serviced Apartments (sui generis)	16, 693 (74 rooms)
Commercial (Use classes A1 – A5)	1, 468

Leisure (Use Class D2)	2, 731
Plant (above ground)	4, 877
Basement (excluding retail back of house)	6, 992
Winter Garden, Internal Public Circulation, Podium Core and Servicing	1, 246
Total	96, 433

- 4.12 The basement would contain 67 car-parking spaces. Of these 10% (7 spaces) will be designated as disabled spaces. Five of the spaces would be 'shared spaces' that could also be used for the parking of motorcycles

Site and Surroundings

- 4.13 The application site occupies an area of 0.36 hectares. The site is located off Hertsmere Road at the Western end of West India Dock North. The site is currently occupied by Hertsmere House, a 4-storey office building which was constructed in the late 1980s. The site is largely covered by the office building, with landscaping and mature trees around the perimeter.
- 4.14 Directly to North of the site are the Grade I Listed 'Gwilts' dock warehouses. These low-rise buildings are in commercial use on the ground floor with residential above. Further behind these is a cinema complex and a multi-storey car-park. Further along the dockside adjacent to the Listed warehouses is the modern 33 storey West India Quay Tower comprising hotel / residences.
- 4.15 To the East is West India Dock North itself, the dock walls of which are also Grade I Listed. To the South are the commercial high-rise buildings of the Canary Wharf Estate. These range from the 10 – 20 storey 'CSFB' buildings, directly to the South of the site, to One Canada Square the tallest at 245.75AODm metres high.
- 4.16 To the south-west of the site are the Cannon Street Workshops and Dockmasters House, which are Grade II Listed. There are residential dwellings, including some Grade II Listed properties along Garford Street and Hertsmere Road.
- 4.17 The site is located in an area with a PTAL of 5. The site is approximately 300 – 400m away from DLR stations are West India Quay and Canary Wharf. The Canary Wharf Jubilee line is 675m to the East. The closest bus stops are approximately 300m away. The site is located directly above confirmed alignment for future Crossrail tunnels.
- 4.18 In the adopted Tower Hamlets Unitary Development Plan the site falls within the Central Activities Zone, east-west Crossrail safeguarding and a designated Flood Protection Area.
- 4.19 A narrow strip of the northern frontage of the site falls just within the West India Dock Conservation Area.
- 4.20 West India Dock North forms part of the Blue Ribbon Network and is a site of Importance for Nature Conservation.
- 4.21 In the Isle of Dogs Area Action Plan the site is identified as Development Site 32, with a mixtures of Employment (B1) and Retail and Leisure (A1, A2, A3, A4 and A5) land uses preferred (this designation is a reflection of the grant of the previous planning permission).

4.22 In the Council's Interim Planning Guidance the site is located within a Major Town Centre.

Relevant Planning History

4.23 The following planning decisions are relevant to the application:

- PA/03/00475 Demolition of existing building and erection of a 63 storey tower for office (B1), hotel and serviced apartments (C1 and sui generis), retail (A1/A2/A3) and leisure (D2) uses, with basement car parking and servicing. Approved 2nd March 2005.
- PA/03/00878 Demolition of existing building to facilitate the redevelopment of site. [Conservation Area Consent] Approved 2nd March 2005.
- PA/08/02377 Request for Scoping Opinion as to the information to be contained within an Environmental Impact Assessment to be submitted in support of an application for demolition of existing building and erection of a 63 storey tower for office (B1), hotel and serviced apartments (C1 and sui generis), retail (A1/A2/A3) and leisure (D2) uses, with basement car parking and servicing. Scoping Opinion Issued 16th December 2008.
- PA/09/00309 Variation of conditions 2, 12, 13, 14, 18, 21, 22, 24 and 25 of planning permission dated 2nd March 2005, reference PA/03/475 in order to set back trigger for the submission of further details.
- PA/09/0488 Variation of Condition 2 pursuant to Conservation Area Consent dated 2nd March 2005, reference PA/03/878 in order to allow preliminary demolition works.

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 East-West Crossrail Adjacent to site of Nature Conservation Importance Adjacent to Water Protection Area
Policies:	ST1 Addressing needs of all residents ST12 Encourage range of cultural activities ST15 Facilitate expansion of local economy ST17 To promote high quality work environments ST28 Restrain unnecessary use of private cars ST30 To improve safety for all road users ST34 To support range of shopping ST35 To retain reasonable range local shops ST37 To improve physical appearance of parks and open-spaces ST41 To encourage new arts and entertainment facilities ST47 To support training initiatives DEV1 Design Requirements

DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV8	Protection of local views
DEV12	Provision of Landscaping in Development
DEV15	Retention of Mature Trees
DEV32	Buildings worthy of protection
DEV43	Protection of Archaeological Heritage
DEV46	Protection of Waterway Corridors
DEV48	Riverside Walkways
DEV50	Noise
DEV51	Soil Tests
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Sites of Nature Conservation
DEV69	Water Resources
CAZ1	Location of Central London Core Activities
T1	Improvements to rail services
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T26	Promoting of Waterways for Freight
U2	Consultation Within Areas at Risk of Flooding
U3	Flood Defences
S1	Shops in District Centres
S7	Special Uses
ART1	New facilities
ART7	Location Major Hotel Development

5.3 Interim Planning Guidance for the purposes of Development Control

Proposals:	Development site ID32 – Identifies preferred uses as Employment (B1) and Retail & Leisure (A1, A2, A3, A4, A5) Major Centre Flood Risk Area Isle of Dogs Area Action Plan Draft Crossrail Boundary Adjacent site of Importance for Nature Conservation Adjacent Public Open Space (Isle of Dogs wharves) Adjacent Blue Ribbon Network Adjacent Inland Water
Core Strategies:	IMP1 Planning Obligations CP1 Creating Sustainable Communities CP2 Equality of Opportunity CP3 Sustainable Environment CP4 Good Design CP5 Supporting Infrastructure CP7 Job Creation and Growth CP8 Global Financial and Business Centre CP11 Sites in Employment Use CP13 Hotels, Serviced Apartments and Conference Centres CP16 Vitality of Town Centres CP29 Improving Education and Skills

	CP31	Biodiversity
	CP33	Site of Importance for Nature Conservation
	CP36	The Water Environment and Waterside Walkways
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A sustainable transport network
	CP41	Integrating Development with Transport
	CP43	Better Public Transport
	CP44	Sustainable Freight Movement
	CP46	Accessible Environments
	CP48	Tall Buildings
	CP49	Historic Buildings
	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	Sustainable Drainage
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution
	DEV12	Management of Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	DEV27	Tall Buildings
	EE2	Redevelopment /Change of Use of Employment Sites
	EE4	Serviced Apartments
	OSN3	Blue Ribbon Network and the Thames Policy Area
	CON1	Listed Buildings
	CON2	Conservation Areas
	CON4	Archaeology and Ancient Monuments
	CON5	Protection and Management of Important Views
	IOD1	Spatial Strategy
	IOD2	Transport and movement
	IOD5	Public open space
	IOD7	Flooding
	IOD8	Infrastructure capacity
	IOD10	Infrastructure and services
	IOD13	Employment Uses in the Northern sub-area
	IOD16	Design and Built Form in the Northern sub-area
	IOD17	Site allocations in the Northern sub-area

5.4 Spatial Development Strategy for Greater London (London Plan)

2A.1	Sustainability Criteria
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 to transport capacity
3C.12	New Cross-London Links
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3C.25	Freight Strategy
3D.1	Supporting Town Centres
3D.7	Visitor Accommodation
3D.14	Biodiversity and 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.12	Flooding
4A.13	Flood risk management
4A.16	Water supply and resources
4A.18	Water and sewerage infrastructure
4A.19	Improving Air Quality
4A.20	Reducing noise and enhancing townscapes
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 and Security
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.1	Blue Ribbon Network
4C.23	Docks
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London

5.5 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS9	Biodiversity and Conservation
PPG13	Transport
PPG15	Planning and 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

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

6.1 The following were consulted regarding the application:

6.2 **LBTH Air Quality**

- Satisfied with submitted Environmental Statement
- Detail of location and height of stack for boiler plant
- Verification of Nox concentrations required
- Conditions for air quality mitigation requested.

Officer comment:

Suitable conditons regarding the submission of this detail would be imposed on any permisison.

6.3 **LBTH Cultural Services**

The proposed development will increase the daytime population in the Canary Wharf area significantly. As such the development will impact on existing social infrastructure and open space provision. Contributions should be sought to mitigate for this impact to ensure there is sufficient capacity for both residents and resulting daytime population. This should include a contribution towards improving capacity of open spaces / sports pitches.

Officer Comment

Contributions have been sought towards education, training and employment initiatives for residents and improvements to the Mile End Park and other local leisure and recreational facilities.

6.4 **LBTH Energy Efficiency**

- The Applicant has followed Energy Hierarchy set out in London Plan
- A 240kW Fuel is proposed as part of CHP system to meet 20% on-site renewable energy requirement
- The fuel cell will provide CO2 savings of 23% initially when running from Natural Gas rising to 37% when switched to Hydrogen fuel.
- PV panels are also provided
- The combined Energy Strategy proposes to reduce development CO2 emissions by 17.6% through Energy Efficiency measures.
- The development could be connected to a future district heat system
- Development should be assessed against BREEAM ratings and should achieve a minimum 'excellent' rating.
- Conditions are recommended to ensure compliance with the proposed Energy Strategy

Officer Comment:

Suitable conditions would be imposed on any permission.

6.5 **LBTH Environmental Health (Contaminated Land)**

- Satisfied with submitted Ground Conditions Report. Conditions requested to carry out further investigation works

Officer comment:

Suitable conditions would be imposed on any permission.

6.6 LBTH Environmental Health (Noise and Vibration)

- Site will be affected by noise and vibration from future Crossrail network. Further survey work and mitigation would be required by condition.
- Development site is within noise exposure category A in relation to Road Traffic Noise. No objections.
- Further information required in relation to noise and ventilation of A3/A4 uses.
- Conditions required to limit hours of construction activity.

Officer comment:

Suitable conditions would be imposed on any permission to ensure future occupiers, and occupiers of neighbouring properties do not suffer from adverse noise or vibration.

6.7 LBTH Environmental Health (Daylight and Sunlight)

- VSC losses to Mary Jones House, Matthew House and Riverside House exceed 25%
- ADF losses at Garford Street, Mary Jones House, Matthew House and Riverside House excessive
- Daylight Distribution Contours (No Sky Line) acceptable
- Average Probable Sunlight Hours acceptable with the exception of Riverside House where there are significant failures.
- Developer should provide mitigation or amend scheme to improve the impact.

Officer comment:

This matter is discussed under the amenity section of the report.

6.8 LBTH Highways

- Site accessibility is very good with PTAL5
- Vehicle access via privately owned Hertsmere Road.
- Scheme has no significant impact on highways
- Applicant advised to convert some car-parking spaces to motorcycle spaces.
- Cycle parking adequate
- Contributions may be required to mitigate for impact on public transport

Officer Comment

These matters are discussed under the Transportation Section of this report, and are considered to be acceptable.

6.9 LBTH Primary Care Trust

- No objections, the application does not propose any permanent residential accommodation so no healthcare S106 contribution is required.

6.10 British Waterways (Statutory Consultee)

- Concerned scale of building may adversely affect the adjacent listed buildings and appear overbearing.
- Wind tunnel study needs to assess impact on Canon workshops.
- Freight by water should be investigated
- Maintenance service charge requested for additional impact of pedestrian footfall on dock.
- Feasibility of dock water for heating and cooling should be investigated.
- Conditions requested regarding Risk Assessment and Method Statement for works adjacent to water.

Officer Comment

- *The scale of the building is discussed under main issues. Additional wind-tunnel modelling would be carried out at the detailed design stage to ensure appropriate mitigation is provided to prevent adverse wind impacts. A condition would require the feasibility of moving freight by water to be considered. Officer's do not consider that the relatively limited additional pedestrian footfall from the development would justify any form of maintenance surcharge to British Waterways.*

6.11 Commission for Architecture and the Built Environment

- No objections to building of this height
- Proposal would be a distinctive and elegant addition to the skyline at Canary Wharf, and through the provision of viewing areas and public space it has potential to offer significant benefits to the public realm in the area.
- Generally well-considered design which is distinctive and attractive in terms of overall form and massing. Sleek and elegant design provides a pleasing contrast to block towers that dominate rest of Canary Wharf
- Pleased to note the mix of units proposed, the commitment to public access to various points in tower which make scheme unique in Canary Wharf cluster.
- Relates fairly convincingly to the existing cluster in most visualisations provided, particularly in longer views. Notes the relationship would become even stronger in the event that other proposed additions to sky-line are built.
- Impact on dwellings nearby should be considered particularly in relation to overshadowing.

Officer Comment:

Design is considered under main issues

6.12 City of London

- Proposal would have no detrimental impact on City of London

6.13 Civil Aviation Authority (Statutory Consultee)

- Potential impact on London City Airport. Comments should be sort from Airport licensee.
- Aviation warning lighting required

Officer Comment:

A suitable condition would be imposed on any permission

6.14 Crossrail (Statutory Consultee)

- Raised no objection to proposal providing that a condition is imposed requiring details of foundation construction methods, noise/vibration mitigation measures and provision of notice to Crossrail for commencement of works.

Officer Comment

The Applicant has undertaken detailed consultations with Crossrail's Engineers who are satisfied that the two developments are compatible. The proposed conditions would be imposed on any permission.

6.15 Environment Agency (Statutory Consultee)

- No objections on Flood Risk grounds subject to conditions requiring survey of dock

wall, scheme of improvements to dock wall, structural integrity of basement, assessment of potential groundwater contamination and mitigation, prevention of light-spill onto waterway.

Officer Comment:

Suitable conditions would be imposed on any permission.

6.17 English Heritage (Statutory Consultee)

- Re-iterated comments made previously in 2003. Specifically stating that:-
- Support Canary Wharf as location for tall buildings.
- No objection to proposals which add to cluster of high buildings within northern sector of Isle of Dogs.
- Proposal would have damaging impact on setting of grade I Listed West India Dock warehouse, Dockmasters House and the Cannon Workshops.
- Increased overshadowing of historic buildings and public spaces regrettable.
- Tower would affect character and appearance of West India Dock Conservation Area.
- Could not sustain objection given setting of Listed Buildings and Conservation Areas dominated by existing tall buildings.
- Podium building is over-burdened with dubious historical and architectural references.

Officer Comment

Design is discussed under main issues. It should be noted that the scheme was amended to improve the design of the podium and that no 'in principle' objection was made to the height or form of the building. English Heritage were re-consulted on the amended design and no further comments have been received.

6.18 English Heritage- Archaeological Division (Statutory Consultee)

- Site located in area with high potential for archaeological remains. Recommend condition to secure a programme of architectural work.

Officer Comment

A suitable condition would be imposed on any permission.

6.19 English Partnerships (Statutory Consultee)

- No comments received

6.20 Greater London Authority (Statutory Consultee)

Stage One response received. Issues raised:-

- Principle of new mixed-use building with office, hotel, serviced apartments, retail and leisure space is acceptable.
- Sculpted tower would be striking addition to London skyline and would blend into Canary Wharf cluster.
- Proposed building would be a slender addition that has modest and complementary impact on Strategic views.
- Insufficient detail on energy efficiency measures submitted, insufficient detail of climate change adaptation
- Financial contributions requested towards
 - o £1M off-site affordable housing
 - o £5M towards Crossrail
 - o £3M towards DLR
 - o £180K towards bus routes
- Scheme provides high level of car-parking and low provision of cycle parking spaces.

- Low provision of wheelchair accessible hotel rooms and serviced apartments.
- Further information required on size and location of blue badge parking.

Officer Comment

Additional information in relation to Accessibility and Energy has been submitted. These issues are discussed in more detail under main issues, and are considered to be satisfactory subject to appropriate conditions.

The requested financial contributions are discussed in more detail under the S106 section of the report.

6.21 London Borough of Greenwich (Statutory Consultee)

- Welcome further regeneration of Docklands and Job opportunities.
- Concern over excessive height and elevation treatment and the detrimental impact it would have on panoramic views from the General Wolfe Monument in Greenwich Park
- Existing skyline rises and falls from east to west and proposed development, by reason of its excessive height, would disturb the arrangement.
- Considered the views of English Heritage and the Mayor should be sought

Officer comment:

Design is discussed under main issues. It is noted that neither English Heritage nor the Mayor expressed any objection to the height of tower or the impact on views from Greenwich.

6.22 London City Airport (Statutory Consultee)

- No safeguarding objection
- Construction method and use of cranes to be agreed with airport

Officer comment:

A suitable informative would be imposed on any permission

6.23 London Fire and Civil Defence Authority (Statutory Consultee)

- Note that submitted documents indicate provision of water supply and Fire Brigade Access not likely to be problematic. Note that this issue will be addressed at Building Regulations stage.

6.24 London Borough of Southwark

- No objection raised, detailed comments made on building and views.

6.25 London Development Agency (Statutory Consultee)

- No comments received.

6.26 London Underground Ltd (Statutory Consultee)

- Responded to consultation stating no comments.

6.27 Thames Water (Statutory Consultee)

- Thames Water have identified an inability of the existing waste water and water supply infrastructures to accommodate the needs of the proposal.
- Conditions requested requiring the submission of impact study and a drainage strategy for approval prior to the commencement of any development. A number of informatives are also recommended.

Officer comment:

Suitable conditions and informatives would be imposed on any permission.

6.28 National Air Traffic Services (Statutory Consultee)

- No safeguarding objection

6.29 Natural England (Statutory Consultee)

- Concerns about adverse impacts of the Dockwater Cooling System on Millwall and West India Docks SBI
- Additional ecological enhancements should be secured.

Officer Comment:

The Dockwater Cooling system no longer forms part of the application. Additional ecological enhancements are also proposed including the provision of a green wall along the southern flank of the pavilion facing the CSFB building, bird and bat boxes within cladding system and moveable planters on terrace levels. The detail of these mitigation would be secured by condition on any permission.

6.30 Port of London Authority (Statutory Consultee)

- No objection. Suggest consideration should be given to the use of the river for transporting during construction.

Officer Comment

A condition would be imposed on any permission requiring the feasibility of utilising freight by water to be investigated.

6.31 Transport for London (Statutory Consultee)

- Circa £5M contribution requested for Crossrail
- £3M contribution required for introduction of 3 car operation on DLR
- Additional data on line capacity constraints required
- Transport Assessment flawed in relation to conclusion only 2 additional bus trips generated.
- Contribution of £180k towards increased bus capacity required
- More robust assessment of trip rates required.
- More data required on trip-rate assumptions in relation to leisure/fitness centre.
- Concerns about methodology of Transport Assessment, however trip generation not expected to have significant impact on Transport for London Road Network.
- Development, including serviced apartments, should be car-free. Retail leisure uses should not require parking.
- Car-club suggested
- Amount of motorcycle parking high
- Additional cycle parking requested
- Works to improve principle routes to public transport facilities should be implemented as part of travel plan.

Officer Comment

Additional information has been submitted in response to the above requests. The level of dedicated car-parking has also been reduced with the use of shared motorcycle / car-parking spaces. TfL were re-consulted and no further comments were received. The study is considered to be sufficiently detailed for the transport impact of the development to be properly assessed..

7. LOCAL REPRESENTATION

- 7.1 A total of 532 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.

An additional round of consultation took place on 30th March 2009 after Regulation 19 information was submitted

A further round of consultation took place on 1st June 2009 after the submission of additional Regulation 19 information. Any additional representations received after the publication of this report will be updated to Members.

The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

- 7.2 No of individual responses: 10 Objecting:9 Supporting: 1

- 7.3 The following groups / organisations were also consulted regarding the proposals.

7.4 Museum of London: Docklands

- Construction may cause vibration which would damage building
- Water levels could be changed causing damage to historic quayside
- Rights of light and air diminished
- Outside terrace will be overshadowed
- Infrastructure required to support increased traffic and pedestrian flow required
- Construction impacts, noise and dirt etc will have an adverse impact on Museum's popularity.
- Boats belonging to museums floating collection moored in dock. Re-assurance required that these will not be affected.

Officer comment:

A condition would require the submission of a Construction Management Plan which would detail vibration and noise control measures. This would be sufficient to ensure that excessive noise and vibration does not occur. The small level of additionally displaced water from the basement excavations ensures that the development is unlikely to result in any significant changes in ground water in the vicinity of the site. The outside terrace area would not suffer from a permanent additional overshadowing. Transitory overshadowing will increase, however the terrace will still receive direct sunlight during work lunch hours (12pm to 2pm and after working hours (5pm onwards). Other matters are discussed in main issues section of report.

7.5 Canary Wharf Group

- No objection
- Suggest a contribution towards Crossrail is sought
- Note Applicant has not sought agreement for access across CWG land. Additional detail should be submitted.

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

- Proposed building too large, will over dominate and is out of scale
- Does not respect Conservation Area or Listed Buildings
- Style of architecture inappropriate
- Overdevelopment
- Skyline dramatically altered
- Adverse impact on views
- Proposal will block sunshine and cast shadow
- Air conditioning plant will cause noise and disturbance
- Increased congestion
- Increase in traffic volume
- Flood compensation should be provided
- Overcrowding of local transport during rush hour
- TV and Radio Interference
- Loss of privacy
- Impact on Crossrail tunnels / development
- Too many flats in area
- Small extension to dwelling refused.
- Likely to increase risk of terrorism

7.7 One letter of support was received that stated the development was a 'stunning tower that will give a much needed boost visually to the current rather old fashioned dull blocks of the Canary Wharf estate'.

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, Scale, Impact on Listed Buildings and Conservation Area
3. Transport and Highways
4. Amenity
5. Other issues

Land Use

Hotel and Serviced Apartments

8.1 The application proposes to provide 192 hotel rooms and 74 serviced apartments.

8.2 Serviced apartments are a specialised form of accommodation that is akin to a hotel use, rather than permanent residential accommodation. The proposed apartments are self-contained and include kitchens and living areas. There are a mixture of 2, 3 and 4 bedroom units. They would provide a form of short-term accommodation (with the maximum duration of occupancy limited via legal agreement to 90 days). The apartments are intended to serve the business market, for instance to provide accommodation for workers on short-term project assignments.

8.3 On a strategic level, the Isle of Dogs 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 London's world city role, especially in relation to the Isle of Dogs.

8.4 Tourism is seen as a key growth industry for London. To accommodate this growth London Plan 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.

- 8.5 Policies ART7 and CAZ1 of the Unitary Development Plan (UDP) state 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 major centres such as Canary Wharf.
- 8.6 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 of the Isle of Dogs and the CAZ. This form of accommodation supports business tourism. Policy makes it clear that serviced apartments should have similar impacts to hotels, which are more suited to employment areas.
- 8.7 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 Paralympic games.
- 8.8 The provision of hotel rooms and serviced apartments in this location is supported by the London Plan, local policy objectives promoting tourism, and would contribute to London's role as a World City. The proposed uses will all contribute towards the attractiveness of Canary Wharf as a business hub by developing it as a lively and animated place throughout the day and into the evenings. The hotel and serviced apartments will also increase activity during the weekends when office uses are less active.

Office use

- 8.9 The existing building on-site provides 6913 square metres (Gross External Area) of office space. The building is not considered to make particularly efficient use of the available land given the site's location. The redevelopment would make more efficient use of the site and as such accords with overarching sustainability objectives. The application proposes to create 30, 871 square metres of office space, giving a net increase of 23, 958 square metres of floorspace.
- 8.10 London Plan policies 3B.1 and 3B.2 recognise and support London's role as a world city and promote continued economic development by seeking the provision of a variety of type, size and cost of business premises to meet the needs of all business sectors. UDP policies DEV3 and EMP1 and Interim planning guidance policy CP8 are also relevant. The redevelopment of existing outdated office buildings on an underutilised site in Canary Wharf is in-line with the objectives of these policies.
- 8.11 London Plan policy 3B.3 also requires that where an increase in office floorspace is proposed within the northern section of the Isle of Dogs, a mix of uses should be provided. It specifies that this mix should include housing.
- 8.12 Policy 5G.3 identifies Canary Wharf as an exception to this rule, as a mixed use development would compromise the importance of sustaining clusters of business activities. Paragraph 5.178 states:

“As a general principle, mixed use development in CAZ and the north of the Isle of Dogs Opportunity Area will be required on-site or nearby within these areas to create mixed-use neighbourhoods. Exceptions to this will only be permitted where mixed-uses might compromise broader objectives, such as sustaining important clusters of business activities, for example in much of the City and Canary Wharf, or where greater housing provision, especially of affordable

family housing, can be secured beyond this area. In such circumstances, off-site provision of housing elsewhere will be required as part of a planning agreement”

- 8.13 At the time of the previous application a sum of £1M was agreed with the developer towards the provision of off-site affordable housing. To ensure compliance with policy 5G.3 the Mayor has again requested a contribution towards the provision of off-site affordable housing.
- 8.14 A pro-rata increase of the previous contribution of £1.155M has been agreed with the Applicant, and this is considered acceptable.
- 8.15 Policy IOD1 (1.c) of the Isle of Dogs Area Action Plan seeks to secure off-site small employment space from large-scale office developments in the Isle of Dogs Major Centre. The scheme does not make a contribution towards off-site employment space as a greater priority has been placed on securing an affordable housing contribution. It should be noted that the scheme would provide £332, 756 towards local employment and training initiatives, which would assist local communities in benefiting from the development.

Retail, Restaurant and Leisure.

- 8.16 The application seeks to provide 1,468 square metres of retail commercial space in the three storey podium. A leisure facility, primarily aimed at the users of the office space and hotel, would provide 2731 square metres of floorspace over floors 24 and 25.
- 8.17 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. UDP policy ST34 seeks to support and encourage improved provision in the range and quality of shopping in the Borough. UDP policy S7 relates to the provision of ‘Special’ Uses including restaurants and pubs. Policy DEV3 seeks to encourage mixed-use developments.
- 8.18 The A1 to A5 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. The provision of the retail and restaurant spaces at the ground floor level will also introduce an active frontage along West India Dock and Hertsmere Road.
- 8.19 Conditions would limit hours of future operation and require the submission of detail of extract flues and ventilation equipment. With this safeguard the amenity impacts of the uses would be acceptable and in accordance with London Plan and Council policies.

Design

Height, Mass, Scale and Appearance

- 8.20 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 promoting the principles of high quality design. These principles are also reflected in saved policies DEV1 and DEV3 of the UDP.
- 8.21 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 (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.

- 8.22 Policies CP1, CP48, DEV2 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 list of specified criteria. This includes considerations of design, siting, the character of the locality, views, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference. The document 'Guidance on Tall Buildings' produced by English Heritage / CABE is also relevant.
- 8.23 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.
- 8.24 Policy IOD16 of the Isle of Dogs AAP (IPG, 2007) states that the Northern sub-area will continue to be a location for tall buildings, and that 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.

Impact on Conservation Areas and Listed Buildings

- 8.25 UDP policies DEV27, DEV28 and IPG policy CON2 relate to development that affects Conservation Areas. London Plan policy 4B.11 and 4B.12 seeks to improve the contribution built heritage makes to quality of life and gives it protection from adverse development. Advice in PPG15 Planning and the Historic Environment is also relevant. The Council is required to pay 'special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.26 The West India Quay Conservation Area extends around the north-west corner of the former West India Dock. The remaining North Quay warehouses and the historic buildings located around the main dock entrance contribute to the character of this area. As designated, the Conservation Area includes a narrow strip along the North boundary of the application site.
- 8.27 The Council has prepared a Conservation Area appraisal which notes that the current office building on the site does not make a positive contribution to the area. Management guidelines for the area also state that any new development on this site should 'respect the historic and architectural significance of the dock warehouses and include detailed proposals for high-quality public realm at ground level'.
- 8.28 The proposed development will also be visible in longer views from other Conservation Areas including the Narrow Street, St Matthias Church Poplar, All Saints, St Annes and Lansbury Conservation Areas.
- 8.29 Interim Planning Policy CON1 states that development will not be permitted where it adversely affects the setting of a Listed Building. When assessing a proposal that affects the setting of a Listed Building the Council must have 'special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses'.
- 8.30 There are a number of historic buildings in close proximity to the site. Of these, the most significant impact would be on the Grade I Listed North Quay warehouses, directly to the north-east of the site, and the Grade II Listed Cannon Street Workshops – located to the West. It should also be noted that there are other Listed buildings located further from the

site within the West India Dock Conservation Area. These include the West India Dock Former Guard House, cottages on Garford Street and various railings and gate-piers.

Impact on Blue Ribbon Network

- 8.31 West India Dock falls just to east of the site and 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.

Protected Views

- 8.32 London Plan policies 4B.16 and 4B.18 provide a policy framework for the management of strategically important views. IPG policies CON3 and CON5 also require development to protect important views, including those from World Heritage Sites. UDP policy DEV8 seeks the protection of view of local importance.
- 8.33 The proposed building falls within the strategically important panoramic view from Greenwich Park (LVMF 5A.1), it would also be visible in the panoramic view from Primrose Hill (LVMF 4A.1) and the river prospect from Waterloo Bridge (LVMF 15B.1). Local views from nearby Conservation Areas and from Wren's Landing are also of importance.

Assessment

- 8.34 The existing building on-site has no particular merit and the demolition and replacement with a suitable alternative would improve the character and appearance of the Conservation Area. A condition would be imposed on the Conservation Area Consent to tie the demolition to the redevelopment of the site, to prevent an undeveloped site blighting the Conservation Area. In terms of the proposed redevelopment, in terms of height it is well established that Canary Wharf is an appropriate location for tall buildings. When assessed against relevant tall building and design policy it is considered that:-
- 8.35
- The slim and elegant proportions of the building ensure that it is acceptable in terms of height and mass. The aerofoil profile and overall design would result in an attractive appearance that achieves the very highest standards of architectural quality required for a building of this prominence.
 - The slender form of the building ensures that it does not detract from the overall hierarchy of building heights in the cluster. When viewed from the North, East and South the building would sit comfortably within the existing cluster of tall buildings and would be acceptable in appearance.
 - When viewed from the West the building will appear more separated from the main cluster. However, it is likely that in time, future development will 'fill-in' the space between the main cluster and the proposed building. Even if this does not happen the overall impact on the skyline remains acceptable.
 - The building achieves an acceptable relationship with the adjacent Grade I Listed warehouses by the incorporation of the 2/3 storey podium level. This is approximately 18m high, which is similar to the height of the upper story / roofline of the warehouse buildings behind. When viewed from Wren's Landing or the dockside area this podium ensures the building respects the historic scale, height and massing of the Listed buildings, and as such is considered to respect their setting. More generally the setting of Listed Buildings in this area is already seen in the context of the modern backdrop of Canary Wharf, and this setting would not be significantly altered by the proposal. In the wider context the development would not have any adverse impacts on World Heritage

sites.

- The building has a sculptured point which helps to differentiate it from other buildings in the Canary Wharf Cluster, and it would be a striking addition to the London skyline. The overall quality of the building ensures that the impact on strategic and local views, from all angles and at night-time, is acceptable.
- The existing building relates poorly to the dockside, presenting an unattractive blank facade that does not encourage public access or activity. The proposed building entrances and ground floor retail uses would add activity and animation to this part of the dockside, and as such would allow greater enjoyment of the Blue Ribbon Network.
- The scheme allows public access to the ground floor pavilion floor and the high-level restaurant / bar areas.
- The development would improve safety and security in the area by improving natural surveillance at ground floor level. The building would incorporate controlled entry points to ensure security for future occupiers. Objectors have stated that the building could be a target for terrorism, however it is not considered that one additional tower would significantly increase any potential risk to the area.
- The impact of the development on microclimate (including wind-tunnel modelling) has been assessed, and any potential adverse impacts can be mitigated against during the detailed design phase. This would be secured by condition and is acceptable.
- The impact of the development on the amenity of neighbouring occupiers is considered in detail under the 'Amenity' section of the report, and is acceptable.
- The development includes a good mix of uses and would contribute to social and economic activity in the area by supporting the business roll of the Canary Wharf Centre.
- The site is located in an area with good public transport accessibility and the scheme provides adequate mitigation for additional impacts on transport infrastructure. Links to and from the site are also considered acceptable.
- The scheme complies with the safeguarding requirements of London City Airport and, with the imposition of conditions, complies with Civil Aviation Authority requirements.
- The development would not cause unacceptable interference to telecommunication and radio transmission networks (subject to appropriate monitoring and mitigation as required under the S106 agreement).

Accessibility and Inclusive Design

- 8.36 Policy 3D.7 of the London Plan identifies that the Council should support an increase and the quality of fully wheelchair accessible accommodation. Policy CP13 of the IPG states 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.
- 8.37 Under the 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. In response to these concerns the Applicant has submitted a more detailed Access Statement; however the number of wheelchair accessible rooms remains the same. In the absence of any specific policies requiring a certain amount of wheelchair accessible rooms the development is acceptable.

Transport and Highways

- 8.38 The site falls in an area with very good access to public transport (PTAL 5). It is within easy walking distance of Westferry, Canary Wharf and Heron Quay DLR Stations, Canary Wharf Jubilee and local bus services. Vehicles access the site via Hertsmere Road.
- 8.39 National guidance on transport provision is given in PPG13: Transport. London Plan policies 2A.1, 3C.1, 3C.2, 3C.3, 3C.21, 3C.22 and 3C.23; and IPG policies CP1, CP41, DEV16, DEV17, DEV18 and DEV19 in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport. Saved UDP policy T16 requires that consideration is given to the traffic impact of operational requirements of a proposed use and T18 seeks to ensure priority is given to the safety and convenience of pedestrians. Policy ST28 seeks to restrain the unnecessary use of private cars.
- 8.40 The application has been accompanied by a detailed Transport Assessment and Interim Travel Plan produced by Steer Davies Gleave. The report details the policy context and baseline conditions in respect of the local area's public transportation and road network. The report then considers the likely impact of additional trip generation. The study includes an assessment of the development during the construction phase and the cumulative impact with other consented developments.

Access, servicing and vehicle trip generation

- 8.41 Vehicle access to the site would be provided from Hertsmere Road. Service vehicles and cars will travel via a ramp to the loading and parking areas in the basement. A taxi and drop-off area would be provided at ground floor level on Hertsmere Road. This lay-by would also be large enough to allow coach drop-offs without obstruction to the highway. The majority of vehicles are likely to approach the site from the North and would travel via Westferry Circus Lower Level.
- 8.42 The submitted Transport Assessment estimates the development would generate approximately 684 vehicle movements a day. Of these 67 would be in the morning peak and 59 during the evening peak. This level of operational trip generation (including when assessed in combination with the cumulative impact of other consented schemes) would not have a significant impact on the Highway network and is acceptable. Additional traffic would be generated during the construction phase and the impacts of this would be minimised through the Construction Management Plan.
- 8.43 The comments made by objectors regarding increased traffic congestion have been noted. However given that the Council's Highway Section and Transport for London are satisfied that the additional vehicle movements can safely be absorbed into the road network the development is considered to be acceptable.

Vehicle Parking

- 8.44 The proposed development would provide 67 basement car-parking spaces. In accordance with Interim Planning Guidance parking standards, 10% of this parking provision (7 spaces) will be designated as disabled spaces. Five of the spaces would be 'shared spaces' that could also be used for the parking of motorcycles.

- 8.45 The level of car-parking proposed exceeds that permitted under Interim Planning Guidance car parking standards. However, it is noted that the level is the same as the previously consented application, and is also slightly less than in the existing situation. Interim Planning guidance welcomes the substitution of car-parking spaces with motorcycle spaces, and in this respect the development is acceptable as it further reduces the number of dedicated car-parking spaces. On balance, with the submission of a Travel Plan to promote sustainable forms of transport, it is not considered that a further reduction in car-parking spaces is necessary to make the development acceptable
- 8.46 TfL have requested that the serviced apartments be 'car-free'. However, officers consider that some car-parking may be justified for future disabled occupiers. A condition would be imposed on any permission requiring the submission of a scheme detailing how the car-parking spaces would be allocated between the different uses. The condition would also prevent the provision of additional car-parking spaces. With these conditions the overall level of vehicle car-parking is acceptable.

Cycle Parking

- 8.47 The application proposes 158 cycle parking spaces. Of these 144 would be in the basement and 14 at ground level for visitors. The submitted plans also detail the provision of shower and changing facilities in the basement adjacent to the secure cycle stands, which will encourage this mode of transport. Transport for London have noted that the scheme does not make provision of cycle parking for occupiers of the serviced apartments. It is considered that given the short term nature of this accommodation there is unlikely to be a significant cycle parking demand. Nevertheless a condition would require the submission of a scheme detailing how cycle parking would be provided for these users. In overall terms level of provision accords with London Plan policy 3C.22 and IPG policy CP40 and is acceptable.

Impact on public transport infrastructure

- 8.48 The submitted Transport Assessment considers how many additional trips are likely to be generated on the public transport system. The development is estimated to generate 1,765 one-way trips on the Jubilee Line, 1,390 trips on the DLR and 270 trips on bus services.
- 8.49 The assessment concludes that in 2013 the combined 'planning standard' capacity of the Jubilee Line and DLR in the AM peak is likely to be exceeded. Transport for London have contested some of the methodology employed in the assessment of bus route trip generation, and have stated that bus routes in the area are likely to be over-subscribed.
- 8.50 Additional transport capacity in the area is planned with the delivery of Crossrail in 2017, and in the longer term this would provide sufficient additional public transport capacity for the development.
- 8.51 The additional transport pressure will require mitigation in the form of a financial contribution to Transport for London. A sum of £3,581,553 has been agreed with the developer, and this is discussed in more depth under the S106 section of the report. As the transport provider, ultimately it is for TfL to consider how this contribution should be distributed around differing modes of transport to best increase available capacity. The overall level of the contribution is acceptable and it would provide adequate mitigation for the impact of the development on public transport infrastructure.

Amenity

Sunlight, Daylight and Overshadowing

- 8.52 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. Saved policy DEV2 of the UDP and policies DEV1 and DEV27 of the IPG October 2007 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.
- 8.53 The main issue is the impact of the development on nearby residential properties and the potential overshadowing of public open-space.
- 8.54 The submitted Environmental Statement includes a consideration of the impact of the proposal on Daylight, Sunlight and Overshadowing of neighbouring properties. The assessment considers the impact of the proposal on the 'worst-case' properties closest to the application site. This includes the following residential properties: -
- 1 – 19 Garford Street
 - 10 – 18 Garford Street
 - Flynn Court
 - Grieg House
 - Mary Jones House
 - Matthew House
 - Port East Buildings
 - Riverside House
- 8.55 Dockmasters House, Cannon Workshops and the offices to the south within the Canary Wharf Estate have not been subjected to detailed assessment as these buildings are in commercial use, and as such would not be significantly affected by loss of daylight or sunlight. Other residential properties are further away from the site than the assessed buildings, and as such would receive a lesser impact.
- 8.56 An assessment is also carried out on the potential overshadowing of West India Dock and the dockside area.

Impact on residential properties

- 8.57 1 – 19 Garford Street.
These properties are some distance from the application site and resultant VSC and NSC levels comply with BRE guidelines. The impact on available sunlight also meets BRE guidelines, and is acceptable.
- 8.58 10 – 18 Garford Street
The results show that 16 of the 19 windows (84%) assessed achieve the levels of VSC recommended by the BRE guidelines. The 3 windows that do not achieve this level are located at 10 and 12 Garford Street. The windows experience losses of 20.92 – 23.56% (against the BRE standard of 20%), which is considered a marginal breach of the recommended levels.
- 8.59 The Annual Probable Sunlight Hours (APSH) results show that 16 of the 17 (94%) windows meet BRE guidelines, with one window have a marginal fail (22%) of total available sunlight. This impact is not considered significant.

Mary Jones House

- 8.60 The results show that 40 of the 58 windows (69%) assessed achieve BRE VSC levels. It should be noted that in the current situation none of the windows achieve the

recommended 27% base-line due to the design of the building, which includes balconies. The majority of the windows affected have reductions of between 20.0% and 28.0%. The largest reduction is 4.72%. Using the ADF analysis 88% of the rooms reach the recommended minimums. The NSC measure demonstrates that 98% of the rooms meet recommended levels.

- 8.61 If room use is taken into account 57 of the 58 windows (98%) assessed comply with BRE APSH guidelines, which is considered acceptable.

Matthew House

- 8.62 The results show that only 22 (44%) of the 50 windows meet BRE VSC guidelines. However, again it is noted that many windows do not meet recommended levels in the existing situation. The ADF results show that 18 of the 20 rooms meet recommended levels (90%). The windows which fail the ADF target are bedrooms. The resultant ADF levels are 0.92% and 0.94%, which is only marginally below the 1% target.

Riverside House

- 8.63 THE results show that that 50 (62%) of the 81 windows assessed meet BRE VSC guidelines. If the ADF measure is used 100% of the rooms meet the BRE guidelines. APSH results show that all principle living rooms also meet BRE guidance.

Flynn Court, Grieg House, Port East Building

- 8.64 The results shown compliance with BRE VSC targets levels and APSH, which is acceptable.

Conclusion

- 8.65 In overall terms the results shown that in terms of day lighting there will be failures against BRE VSC standards. In some cases, particularly Matthew House, Riverside and Mary Jones House, the impact would affect a large proportion of the windows assessed and the effect of this is likely to be noticeable to the occupiers of these properties. However, it is also noted that the majority of these failures occur in the 20 – 30% range (against the recommended limit of 20%).

- 8.66 There will also be some significant impacts in terms of loss of sunlight, with occupiers of Riverside House being the most significantly affected.

- 8.67 It is noted that the Council's Environmental Health Officer has raised concerns about the impact of the development in terms of loss of daylight and sunlight to neighbouring properties. However, in the role of local planning authority Members must consider whether the severity of the impact is so significant that a refusal could be substantiated.

- 8.68 In making the Officer recommendation, careful consideration has been given to the context of the application site. It is well recognised that BRE standards must be applied flexibly, as the legitimate expectation of light-levels in a low rise suburban town would have to differ from those in a densely built-up area. The site is undoubtedly located in an area where large-scale development is expected, and encouraged, by policy. It is inevitable that in many cases such buildings will have an impact on neighbouring amenity. The resulting light-levels to the properties affected are not untypical in an urban environment. On balance the impact on the amenity of the occupiers is not considered so significant as to warrant the refusal of the application and is acceptable.

Overshadowing of amenity spaces

- 8.69 The Environmental Statement has considered whether the development is likely to have a significant overshadowing impact on West India Dock North, the pedestrian area to the east of the site or on gardens serving 10 – 18 Garfield Street.

- 8.70 BRE guidelines state that no more than 40% (minimum level), and preferably no more than 25% (recommended) of any space should be left in permanent shadow.
- 8.71 The table below shows the amount of existing and proposed permanent overshadowing.

	Existing	Proposed
Dock	23.66%	23.66%
Pedestrian Area	0.75%	10.87%
Garden 1	32.42%	32.64%
Garden 2	19.74%	19.74%
Garden 3	21.00%	21.21%

- 8.72 The table shows that, with the exception of the pedestrian area, there will be relatively little additional permanent overshadowing and the resultant levels are acceptable in terms of BRE guidance.
- 8.73 The proposed building will also have an impact in terms of transitory overshadowing as the sun moves through the day. In this case the relatively slim profile of the tower means that the shadow cast will pass quickly. The gardens to the north will not be overshadowed for more than an additional 1.5 hours each day on any one point throughout the year.
- 8.74 The objection raised by the Museum of London in relation to overshadowing of the dockside area has been noted. It is recognised that the dockside will suffer increased overshadowing in the late afternoon. However, the level of permanent overshadowing is not excessive in relation to BRE guidelines and is considered acceptable.

Privacy

- 8.75 The development is far enough away from neighbouring properties for there to be no significant impacts in terms of potential overlooking or loss of privacy.

Solar Glare

- 8.76 This has been assessed and is acceptable.

Noise and Vibration

- 8.77 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.
- 8.78 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. Policy DEV2 seeks to preserve the amenity of neighbouring occupiers.
- 8.79 The submitted Environmental Statement includes a consideration of the potential impact of noise and disturbance on future and neighbouring occupiers. Subject to the imposition of conditions covering noise from future air conditioning plant, hours of opening of commercial (A1-A5) units, details of plant and fume extraction equipment, Construction Management Plan and details of mitigation for ground bourn noise and vibration, the development would

be acceptable.

Microclimate

- 8.80 In respect of saved UDP policy DEV2 and IPG policy CP1, CP3 and DEV5 the application is supported by a microclimate assessment. The report considers whether the proposed development is likely to produce unacceptably high wind flows within or around the proposed building. The assessment concludes that any increased wind flow is unlikely to be significant and can be mitigated for during the detailed design stage. Officers are satisfied that this matter can be suitably addressed during the discharge of landscaping conditions.

Other Planning Issues

Air Quality

- 8.81 London Plan policy 4A.19 and IPG policy DEV11 require the potential impact of a development on air quality to be considered. IPG policy DEV12 requires that air and dust management is considered during demolition and construction work. The submitted Environmental Statement includes an assessment of the impact of the development on Air Quality.
- 8.82 The study concludes that during the construction phases the development may have some adverse impacts in terms of the generation of dust emissions. It is considered that this matter can be controlled via an appropriate construction management plan. This would be required by condition. Once completed the development is unlikely to generate any significant emissions. The Council's Air Quality Officer reviewed the submitted information and is satisfied that, subject to conditions, the development is acceptable.

S106 Agreement

- 8.83 Planning obligations have been agreed with the developer to mitigate for the impacts of the development on local infrastructure. The contributions include a payment to provide off-site affordable housing, transport mitigation, open-space mitigation and employment and training initiatives.
- 8.84 Policy 6A.4 of the London Plan states that affordable housing and transport should be given the highest priority in planning obligations.
- 8.85 The Mayor has published Proposed London Plan Alterations. Policy 3C.12A of this documents seeks planning obligations Crossrail in view of it's strategic importance to London's economic development. Draft supplementary planning guidance has also been published which states that contributions should be sought in respect of office development in the northern part of the Isle of Dogs. The Mayor has indicated that a contribution of circa £5M should be made for Crossrail
- 8.86 A contribution pro-rata increase of the previous £3M towards the 3-car running upgrade of the DLR is also requested. As is a further £180k towards bus-route capacity improvements.
- 8.87 Officer's do not consider that a contribution towards the DLR upgrade can be justified given that these works are nearing completion.
- 8.88 An overall transportation contribution of £3, 581, 553 has been agreed with with the Developer. Given the weight that can be given to affordable to emerging policy, and the fact that policy 6A.4 recognises that affordable housing is a planning obligation priority, Officer's consider that this is the maximum level of contribution that can be justified in this

instance. Consideration is also given to the fact that there is only a marginal increase in floorspace from the previous approval, which remains extant as a fall-back position for the developer.

In overall terms Officer's consider that the level of agreed financial contributions is appropriate and that they adequately mitigate for the impacts of the development.

Environmental Statement

- 8.89 The application was accompanied by a detailed Environmental Statement. The Council's independent consultants are satisfied that all environmental impacts, with the exception of air quality, have been satisfactorily assessed. The Council's Air Quality Officer has reviewed the submitted information in relation to Air Quality, and is satisfied that the development is acceptable.

Renewable Energy and Energy Efficiency

- 8.90 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 4A.7 states that new developments should achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. IPG policies CP28, DEV5 and DEV6 have similar aims to London Plan policy.

- 8.91 The application has been accompanied by an Energy Statement prepared by DSA Engineering. This details that the development would utilise a 240kW Fuel Cell to reduce the development's annual carbon emissions by 23%. The fuel cell would initially run on Natural Gas. If in the future the infrastructure to deliver Hydrogen fuel is available, the fuel cell could be switched over to increase the carbon saving to 37%. The submitted strategy also details that 17.6% of carbon dioxide emissions would be saved through further energy efficiency measures. Solar heating and PV panels are also proposed around the crown of the building to further enhance on-site energy generation.

- 8.92 The proposed Energy Strategy accords with London Plan policy targets and as such is acceptable.

Biodiversity

- 8.93 Saved UDP policies DEV57 and DEV63 require development to retain and enhance the Borough's wildlife and natural resources. Policy DEV12 seeks the provision of landscaping in new development, policy DEV15 seeks the retention of mature trees in development proposals. London Plan policy 3D.14 also requires the Borough to take a proactive approach to promotion of biodiversity.

- 8.94 The existing site is largely hard-standing with some small planting beds around the boundary. There are mature Elm, Beech and Plane trees around the perimeter of the site. The proposal will include the removal of the shrub beds and six London Planes located between the development and West India Dock. These trees are not covered by Tree Preservation Orders.

- 8.95 There is limited opportunity to introduce replacement landscaping on the site, however the scheme does include the provision of a Green Wall and planters on high-level roof terraces. Bat and Bird boxes would also be introduced into the building cladding system. The agreed financial contribution towards local open-spaces would also allow the provision of additional habitat, which would improve biodiversity.

- 8.96 The development would not have any significant impacts on the Millwall and West India Dock 'Site of Borough Interest'. Conditions would be imposed on any permission to prevent

damage to trees during construction and to prevent light-spill onto the dock water.

Crossrail Tunnels

- 8.97 Tunnels required for the Crossrail route to Canary Wharf will pass directly under the application site, and are subject to safeguarding directions. The Applicant has held detailed discussions with Crossrail to ensure the building is compatible with the tunnels running underneath.
- 8.98 Crossrail have confirmed they have no objection to the development subject to a condition requiring the submission of additional detail on the type of foundations employed. Crossrail have also requested a condition to prevent certain construction works (primarily the foundation piling) taking place when the construction of Crossrail tunnels is underway. It is clearly advantageous to ensure that the development of the site and Crossrail do not take place at the same time. Suitable conditions would be imposed on any permission and these would ensure the development is acceptable in terms of policy to promote transport improvements.
- 8.99 Crossrail works in the vicinity of the site are scheduled for late spring/summer of 2012 and will take 2 – 3 weeks. To allow additional time for the proposed development and Crossrail to be properly coordinated the length of time to implement this permission would be extended from the normal 3 years to 5 years.

Flood Risk

- 8.100 Policy U3 of the UDP and policy DEV21 of the IPG state that the Council will seek appropriate flood protection where the redevelopment of existing developed area is permitted in areas at risk of flooding. Advice given in PPS25 is also relevant.
- 8.101 The site is located in an area with a high flood probability (Flood Risk Zone 3). The application was accompanied by a detailed Flood Risk Assessment. The local planning authority has carried out a sequential test to demonstrate that alternative site less at risk of flooding are not available.
- 8.102 The sequential test and Flood Risk Assessment have been reviewed by the Environment Agency. The Environment Agency are satisfied that, subject to the imposition of conditions requiring survey work of the dock wall and structural integrity of the basement, the development is acceptable in terms of flood risk. The proposed conditions would be imposed on any permission and with this safeguard the development would be acceptable in terms of relevant policy.

Archaeology

- 8.103 The application was accompanied by a desk-top assessment that considered the potential of the site to house archaeological remains. English Heritage have considered the study and concluded that the site is located in an area with a high potential for archaeological remains. A condition requesting further site works was requested, and with this safeguard the Council is satisfied the proposal accords with the requirements of saved UDP policies DEV42, DEV43 and DEV44, which seek to ensure that development proposals do not have an adverse impact on archaeological remains.

Site Contamination

- 8.104 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by an assessment of Ground Conditions to assess whether the site is likely to be contaminated. The study has been reviewed by the Council's Environmental Health Officers who have concluded that there is a potential threat of contamination. The study identifies the need for further intrusive investigations and the mitigation. This would be secured by condition.

Conclusions

- 8.105 All other relevant policies and considerations have been taken into account. Planning permission and Conservation Area 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.

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Agenda Item number:	9.2
Reference number:	PA/08/02709 and PA/08/02710
Location:	Hertsmere House, 2 Hertsmere Road London E14
Proposal:	Demolition of existing building. Erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping. (Maximum height 242 metres AOD).

1. ADDITIONAL REPRESENTATIONS

- 1.1 A letter has been received from the Greater London Authority clarifying their position on the requested planning obligations for the development.
- 1.2 The letter requests that in in-line with London Plan policy 6A.4, and in the interests of securing sufficient developer contributions towards Crossrail, the preference is for the re-allocation of the previously agreed affordable housing contribution to Crossrail.
- 1.3 Planning obligations are considered at section 8.83 of the main committee report. It is noted that Adopted London Plan policy 6A.4 details the Mayor's priorities in planning obligations. It states that
- 'Affordable Housing and public transport improvements should generally be given the highest priority...'*
- 1.4 Emerging London Plan policies 3C.12A and draft supplementary planning guidance 'Use of planning obligations in the funding of Crossrail' are also relevant in detailing the approach taken to funding for Crossrail.
- 1.5 Officer's consider that the proposed S106 agreement (including a contribution of £1, 155, 340 towards off-site affordable housing and £3, 581, 663 to TfL for Transportation) provides an appropriate mix of contributions in-line with the two priorities identified in adopted London Plan policy 6A.4.

2 RECOMMENDATION

- 2.1 My recommendation is unchanged

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Agenda Item 7.1

Committee: Strategic Development	Date: 4 th August 2009	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Amy Cooper		Ref No: PA/09/0562	
		Ward(s): Bromley by Bow	

1. APPLICATION DETAILS

1.1 **Location:** 100 Violet Road, London, E3 3QH.

Existing Use: Manufacture of clothing with ancillary parking and servicing area.

Proposal: Demolition of existing 2190sqm (GIA) building currently used for clothing manufacture (Use Class B1c), and redevelopment to provide buildings of between five and nine-storeys for mixed-use purposes including 73 residential units (Class C3) (1 x studio; 20 x 1 bedroom; 36 x 2 bedroom; 16 x 3 bedroom), 1,300 sqm (GIA) of floorspace for the manufacture of clothing (Use Class B1c) and 100 sqm (GIA) of flexible commercial floorspace (Classes A1/A2/A3/A4/A5) or Gymnasium (Class D2), with associated roof terraces, landscaping, access and Servicing.

Drawing Nos: 3082 PL 01 P2; 3082 PL 02 P3; 3082 PL 03 P4; 3082 PL 04 P3; 3082 PL 05 P3; 3082 PL 06 P3; 3082 PL 07 P3; 3082 PL 08 P3; 3082 PL 09 P3; 3082 PL 10 P3; 3082 PL 11 P3; 3082 PL 12 P3; 3082 PL 20 P2; 3082 PL 21 P2; 3082 PL 22 P2; 3082 PL 23 P2; 3082 (PL)30 P1; 3082 PL 23 P2.

Supporting Documents

- Design and Access Statement by Stock/Woolstencroft
- Planning Application Drawings by Stock/Woolstencroft
- Daylight and Sunlight Assessment by GIA
- Planning Statement by Barton Willmore
- Socio-Economic Assessment by Barton Willmore
- BREEAM Industrial Pre-assessment by Gifford
- Energy Assessment by Gifford
- Supplementary Energy Report by Gifford
- Transport Assessment prepared by Barton Willmore
- Phase 1 Geo-environmental assessment prepared by Barton Willmore
- Air Quality Assessment prepared by Barton Willmore
- Landscape Assessment prepared by Barton Willmore

Applicant: Mr M Azam

Owner: Mr M Azam

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 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 proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007). These Policies seek to maximise intensity of use compatible with local context.
- 2.3
- The proposal is considered appropriate in relation to the residential amenity of the site. The impact of the development in terms of daylighting and sunlighting, overshadowing, sense of enclosure, outlook, privacy and noise is acceptable given the compliance with relevant BRE Guidance and the urban context of the site. This is in line with Saved Policy DEV1 and DEV2 of the adopted UDP (1998) and DEV1 and DEV2 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of residential occupiers and the environment in general.
- 2.4
- The commercial space acceptable in principle as it will provide a suitable provision of jobs in a suitable location. As such, the use is in line with policies 2A.8, 3D.1 and 3D.3 of the London Plan (Consolidated with Alterations since 2004), ST34, ST35, DEV1 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure services are provided that meet the needs of the local community.
- 2.5
- The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.5, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2, HSG3 and HSG4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a range of housing choices.
- 2.6
- The density of the scheme would not result in the overdevelopment of the site, or any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to provide an acceptable standard of accommodation.
- 2.7
- The quantity and quality of housing amenity space and the communal/child play space is considered to be acceptable. As such, the amenity space proposed is acceptable and in line with PPS3, policies 3A.18 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies ST37, DEV1, DEV12, HSG16, T18 and OS9 of the Council's 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, which seek to improve amenity and liveability for residents whilst creating a more attractive environment for those who live and work here.

- 2.8 • The building height, scale, bulk and design is acceptable and in with policies 4B.1, 4B.2, 4B.3 and 4B.5 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 and DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- 2.9 • The safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's 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.
- 2.10 • 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 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.
- 2.11 • 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.
- 2.12 • Contributions have been secured towards the provision of affordable housing, health, education and highways improvements 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 (2007), which seek to secure contributions toward infrastructure and services required to mitigate the impact of the proposed development.

3. RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to:
 - A. **Any direction by the Mayor of London.**
 - 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 78/22 split between social rented/ shared ownership to be provided on site.
 - 2. A contribution of £120,768 to mitigate the demand of the additional population on health care facilities.
 - 3. A contribution of £123,420 to mitigate the demand of the additional population on education facilities.
 - 4. A contribution of £30,000 towards the provision of traffic calming measures and a new pedestrian crossing toward the northern end of Violet Road, to provide an improved pedestrian environment for additional demand on the local highway network.

4. Completion of a car free agreement to restrict occupants applying for residential parking permits.
 5. TV reception monitoring and mitigation;
 6. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
 7. Commitment towards Code of Construction Practice.
- 3.3 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
- 3.4 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:
- 3.5 **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.
 - 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 and layout, planting, finishes, levels, walls, fences, gates and railings, entrances and seating. The landscaping detail should mitigate any resultant wind environment at ground floor and podium levels,
 - 1.8m screens to balconies serving the north-west and south-west units, details of obscure glazing to the northern elevation of the building, and
 - The design of the ground floor elevations of commercial units including shopfronts;
 3. Parking –1 disabled car parking space, one servicing space and 71 non-residential bicycle parking spaces.
 4. Investigation and remediation measures for land contamination (including water pollution potential).
 5. Full particulars of the following:
 - Surface/ foul water drainage plans/ works; and
 - Surface water control measures.
 6. Construction Environmental Management Plan, including dust monitoring
 7. Submission of details of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
 8. Details of the operating hours for the A1 use/s to be submitted and approved prior to the date of occupation.
 9. Commercial - hours of operation and service deliveries.
 10. Commercial – details of extraction equipment and noise reports.
 11. 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
 12. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
 13. All residential accommodation to be built to Lifetime Homes standard, including at least 9.6% (7 units) of all housing being wheelchair accessible.
 14. Submit a Green Travel Plan, for both the commercial and residential elements, to be maintained for the duration of the development.

15. Delivery and Service Management Plan, including management details for the car park and service/delivery area. Management details of the refuse and recycling facilities are required.
16. Construction Logistics Plan
17. Lighting details.
18. CCTV details.
19. Obscurely glazed non-opening windows on southern elevation, and eastern elevation of northern tower.
20. Any other condition(s) considered necessary by the Head of Development Decisions

3.7 **Informatives**

1. Section 106 agreement required.
2. Section 278 (Highways) agreement required.

3.5 That, if by the decision date specified in the PPA, the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (legal services), the Corporate Director of Development and Renewal be delegated the authority to refuse planning permission.

4. **PROPOSAL AND LOCATION DETAILS**

4.1 The proposal is for the redevelopment of the site, facilitated by the demolition of all existing buildings on-site, to provide a residential-led mixed use scheme comprised of a new building reaching between 5 and 9 storeys. The development is proposed to accommodate 73 new residential units, light industrial floor space at ground and basement, and flexible commercial floorspace within the A-class or gymnasium at ground level. Associated amenity space, children's playspace, servicing area and disabled parking is also included.

4.2 The details of the scheme are as follows:

- 73 new residential units;
- Affordable housing provision which equates to 35% of total habitable rooms, with a 68:22 split between social rented and intermediate tenures.
- Residential design which achieves level 4 for the Code for Sustainable Homes Criteria, as well as 10% wheelchair accessible units;
- Incorporation of renewable energy technologies including photovoltaic panels and wind turbines, to reduce carbon emissions by 9%
- Incorporation of three mini combined heat and power units to reduce carbon emissions by 19%;
- A total of 1473sqm of amenity space comprising:
 - 82sqm of communal amenity space at 6th floor podium level;
 - 1216sqm of private amenity space – each residential unit has private external space in the form of either a terrace or balcony;
 - 175sqm of children's playspace located at 6th floor podium level;
- 1300sqm (GIA) of floorspace for the manufacture of clothing (use class B1c) which is to be a re-provision of the existing business on site
- The provision of one disabled parking space at ground floor level;
- The provision of 71 cycle parking spaces; and
- Refuse and recycling facilities.

4.3 In design terms the scheme is comprised of a 5 – 6 storey linear building, which is broken up by two 7 to 9 storey projecting elements. The projecting elements serve to articulate the building, incorporating a silver/metallic rainscreen cladding with cool white obscurely

glazed privacy screen to balconies giving interest and variety to the elevation. The 5-6 storey linear element is comprised of red stock brickwork with galvanised steel balconies.

Site and Surroundings

- 4.4 The application site covers an area of approximately 0.18ha. It is currently occupied by a two storey commercial building which sits hard up against the eastern (front) boundary onto Violet Road. The existing building is located to the north of the site, and there is an existing vehicular access with servicing and parking area to the south.
- 4.5 The site is not located within a Conservation Area, nor does it contain a Listed Building.
- 4.6 The application site is located to the north and west of the Caspian Wharf development – a 9 storey, mixed-use residential led scheme which is currently under construction.
- 4.7 Three EDF substations adjoin the site - two immediately to the west, and a third immediately to the north-east.
- 4.8 Sites to the north and north-west contain 4 storey residential buildings.

Planning History

- 4.9 An outline application was submitted in 2000 for the demolition of existing buildings, and erection of three storey building to provide 12 light industrial (Use Class B1) units, 2 x three storey buildings containing 6 live/work units and 1 four storey building containing 18 residential flats. This application was subsequently withdrawn.
- 4.10 The Council's records reveal no other recent applications relating to the 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 (as saved September 2007)

Proposals: Not subject to site specific proposals

Policies: Environment Policies

ST34	Shopping
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV69	Water Resources
EMP1	Encouraging New Employment Uses
EMP6	Needs of Local People
HSG6	Separate Access
HSG7	Dwelling Mix
HSG15	Residential Amenity
HSG16	Amenity Space

T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T19	Pedestrian Movement In Shopping Centres
T21	Existing Pedestrians Routes
S10	New Shopfronts
OS9	Child Play Space

5.3 Interim Planning Guidance for the purposes of Development Control (Oct 2007)

Proposals: C12 Development Site (Specific uses have not yet been identified)

Core Strategies: IMP1 Planning Obligations

CP1	Creating Sustainable Communities
CP2	Equal Opportunity
CP3	Sustainable Environment
CP4	Good Design
CP5	Supporting Infrastructure
CP7	Job Creation and Growth
CP11	Sites in Employment Use
CP15	Range of Shops
CP19	New Housing Provision
CP20	Sustainable Residential Density
CP21	Dwelling Mix
CP22	Affordable Housing
CP25	Housing Amenity Space
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

Policies: Development Control Policies

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and 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
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development
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
HSG10	Calculating Provision of Affordable Housing

5.4 **Supplementary Planning Guidance/Documents**

Designing Out Crime
Residential Space
Landscape Requirements

5.5 **The London Plan (consolidated with alterations since 2004) - the Mayor's Spatial Development Strategy**

2A.1	Sustainability Criteria
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
3B.11	Improving Employment Opportunities for Londoners
3C.1	Integrating Transport and Development
3C.23	Parking Strategy
3D.13	Children and Young People Play Strategies
4A.4	Energy Assessment
4A.7	Renewable Energy
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.11	Built Heritage
4B.12	Heritage Conservation

5.6 **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS22	Renewable Energy
PPG24	Planning & Noise

5.7 **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
A better place for excellent public services

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 Cleansing

- 6.2 No comments received. Notwithstanding, it is recommended that a condition be included to ensure the adequate management of the refuse and recycling facilities.

LBTH Design and Conservation

- 6.3 Following negotiations the proposal is supported in design terms.

LBTH Education

- 6.4 £123,420 towards education, to be secured by s106 agreement.

LBTH Energy Efficiency Unit

- 6.5 Considers the Energy Strategy to be acceptable, and recommends appropriately worded conditions to ensure carbon dioxide reductions are capable of being achieved on site.

LBTH Environmental Health

Contaminated land

- 6.6 No objection, subject to appropriate conditioning. It is recommended that a condition be attached to ensure that the developer carries out a site investigation to identify potential contamination to make sure that contaminated land is properly treated and made safe before development, to protect public health and to meet the requirements of the following policy in the London Borough of Tower Hamlets UDP (adopted December 1998): DEV 51 Contaminated Land. This will be secured by way of condition.

Air Quality

- 6.7 No objection subject to appropriate conditions.

Noise

- 6.8 No comments received.

Sunlight/ Daylight

- 6.9 Following revision of the scheme the Daylight and Sunlight impacts are considered appropriate given the urban context of the subject site. This is further expanded upon within the amenity section of this report.

LBTH Highways

- 6.10 After significant negotiations relating to disabled parking, cycles parking and servicing, no objection subject to appropriate conditions, financial contribution of £30,000, and a s278 agreement.

LBTH Housing

6.11 Initial objection relating to mix and proportion of affordable housing. However the revised scheme is considered acceptable.

LBTH Landscape

6.12 No response received.

LBTH Policy

6.13 Initial objection relating to original affordable housing and mix; however the scheme was revised to comply with policy. Re-provision of commercial floorspace supported.

Greater London Authority (Statutory) (OFFICER COMMENT: The proposed scheme has been revised since Stage 1 response was received from the GLA)

6.14 The Greater London Authority considers this application is referable to the Mayor under category 1C of the Schedule of the Order 2008: 'Development which comprises or includes the erection of a building more than 30 metres high, outside the City of London.'

6.15 The mix of uses and regeneration potential of the scheme is supported.

6.16 Concern raised regarding the original affordable housing proposal (which was 26% of habitable rooms), and number of family sized units (13%). (OFFICER COMMENT: The proposal has been revised to comply with LBTH IPG policy, as outlined within the housing section of this report).

6.17 Concern raised regarding the density of the originally proposed scheme (OFFICER COMMENT: As outlined within the body of this report, the density of the proposed scheme has been reduced).

6.18 Broad approach to site layout, massing and urban design supported, proposing modern materials and designs to create a building that responds to the emerging context and urban scale. All north facing units are dual aspect, which is supported.

6.19 Concern regarding the higher aspects of the northern block, and it's relationship with lower scale residential buildings to the north (OFFICER COMMENT: Since these comments were received the northern tower element and main building have each been reduced by one storey)

6.20 Concern regarding sixth floor communal amenity space, and its usability. (OFFICER COMMENT: As outlined in the amenity section of this report, the amenity areas have been revised since these comments were received. Communal amenity and place space re-provided at sixth and fifth floor levels)

6.21 Recommendation made that long central corridor be removed, and the scheme reconfigured internally to increase security, provide a better communal area and increase the number of dual aspect units. It was also suggested that further windows be incorporated into the southern elevation to provide additional light to the internal areas. (OFFICER COMMENT: The option of introducing two separate cores has been explored, however it is desirable to have two means of escape in the event of a fire. None of the single aspect units within the scheme are north facing, and the arrangement is thus considered acceptable in this respect. Additional windows have now been incorporated into the southern elevation).

- 6.22 Concern raised regarding the originally proposed 99sqm of children's playspace, which fell short of the guidance within the GLA's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation'. (OFFICER COMMENT: Scheme revised to provide additional playspace at sixth floor level, as further outlined in the amenity section of this report).
- 6.23 The proportion and layout of wheelchair accessible units acceptable, however no disabled parking proposed. (OFFICER COMMENT: Revised scheme includes one disabled parking space).
- 6.24 Further clarification required regarding Energy and Sustainability (OFFICER COMMENT: Expanded upon in Energy section of this report).

ODA

- 6.25 Response received – no comment.

Transport for London (Statutory)

- 6.26 Car-free scheme supported, however it was suggested that two disabled parking spaces be provided on-site. (OFFICER COMMENT: One disabled parking space has been incorporated into the revised scheme, which is considered acceptable by LBTH Highways Section).
- 6.27 Cycle parking provision supported. (OFFICER COMMENT: Cycle parking provision has been amended, as expanded upon within Highways section of this report).
- 6.28 The development will benefit from streetscape improvements secured with the consented Caspian Wharf development, however TfL requested additional financial contribution for 'improved conditions of walking'. (OFFICER COMMENT: Case officer had further dialogue with TfL regarding this point, and was advised that TfL were not seeking financial contributions, but rather that would support the Council receiving contributions for such).
- 6.29 Construction Logistics Plan and Delivery & Servicing Plan should be secured by condition. (OFFICER COMMENT: Conditions attached).

Metropolitan Police

- 6.30 Concern raised regarding the undercroft vehicular access, and potential for crime to take place in servicing area. (OFFICER COMMENT: Low-scale gates have been incorporated into the revised plans, which is expanded upon within the Highways section of this report).
- 6.31 CCTV and lighting to be incorporated into the development. This will be secured by way of condition.
- 6.32 Violet Road elevation appears secure.

Tower Hamlets PCT

- 6.33 £120,768 contribution toward healthcare, to be secured in the S106 Agreement.

7. LOCAL REPRESENTATION

- 7.1 A total of 321 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 scheme was advertised twice due to the amendments that were made to the scheme. The number of representations received from neighbours and local groups in response to the first round of notification and publicity of the application were as follows:

No of individual responses: Objecting: 1

Supporting: 0

7.2 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:

7.3 Design

- The building turns its back on Violet Road;
- Insufficient landscaping to Violet Road;
- Landscaped area purely for new residents, as opposed to general public;
- Insufficient set back from Violet Road – pedestrian experience and noise levels for new residents;
- Quality of materials – should relate to historic fabric of the area; balconies will look harsh;
- Height;
- Canyonisation of Violet Road.

(Officers comment: Design matters are considered in design section of this report)

7.4 Amenity

- Insufficient set back from Violet Road – pedestrian experience and noise levels for new residents;
- Concern regarding location of refuse bins, appearance within the streetscene.

(Officers comment: Amenity matters are considered in the Amenity section of this report)

7.5 Highways

- Queried location of refuse storage

(Officers comment: Highways matters are considered in the Highways section of this report)

7.6 S106

- Proposal should include S106 financial contributions toward the following:
 - Gentrification of bridge;
 - Street furniture;
 - New, sound absorbing tarmac .

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

- Limited weight, scope and duration of the public consultation.

(Officers comment: Consultation beyond that which is statutorily required of the Council has been carried out)

7.8 Security

- Security concerns relating to under-croft.

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

Principle of Residential-Led Mixed Use Development

- 8.2 The scheme proposes a re-provision of the existing clothing manufacturing business which is currently on site. This will be located at ground and basement level. Although the scheme will result in a loss of 890sqm (GIA) of light industrial/warehousing floorspace, the applicants have demonstrated that they are currently operating with a floor area surplus to requirements, and the employment density of 15 jobs will remain the same. The Council's policy section considered the employment aspects of the development acceptable.
- 8.3 A further 100sqm flexible commercial floorspace is proposed at ground floor level, to accommodate A1, A2, A3, A4, A5 or D2 use. All of these uses are considered appropriate for the location, and it is recommended appropriate conditions are attached to secure further details of the final use to be implemented.
- 8.4 The proposed development will provide a range of residential units, including units suitable for smaller households and an appropriate level of family orientated accommodation. The site is moderately well served by public transport and is situated within a mixed-use area, which includes existing and approved residential and commercial uses nearby. The site is also reasonably well located in relation to public amenity space. Accordingly, the site is considered appropriate for a mixed use development of the scale, quantum and character proposed.
- 8.5 In accordance with policies 3A.1, 3A.3 & 3A.5 of the consolidated London Plan (2008), the Mayor is seeking the maximum provision of additional housing in London. The proposed development responds to a defined local and strategic need for new housing and will make a valuable contribution to local and strategic housing objectives. It therefore meets the requirements of the London Plan.
- 8.6 Further, there is no strategic land use designation for the site, identified in either the Unitary Development Plan 1998 (UDP) or the Interim Planning Guidance 2007 (IPG), that would prohibit the proposed use.
- 8.7 The current development represents a low density use of the site, which does not accord with local and strategic objectives. The proposed residential element to the scheme represents a more efficient and appropriate use of the site, whilst contributing to strategic and local housing objectives. The residential component of the proposal is also considered acceptable given the character and land use mix of the area surrounding the

site, in accordance with policy DEV3 of the UDP.

Retail Use

- 8.8 The development will comprise 100sqm of flexible retail floor space at ground floor level. The site itself does not lie within a designated shopping frontage, however Chrisp Street district shopping centre is located approximately 750 metres south of the subject site.
- 8.9 PPS6 seeks to preserve and enhance the vitality and viability of town centres and to ensure the availability of a wide range of shops, employment, services and facilities to which people have easy access to. It notes that developments which are likely to generate high levels of travel should be located in existing town centres.
- 8.10 Policy 2A.8 of the London Plan sets out an over-arching approach to support and regenerate town centres. The policy seeks to accommodate economic and housing growth through intensification and selective expansion and sustaining and enhancing the vitality and viability of town centres. Whilst policy discourages retail uses outside the town centres, the site falls substantially outside any district centre designation, and as such it is not considered the proposed ground floor flexible retail-space will have a detrimental impact on the vitality and viability of the Chrisp Street market.

Density

- 8.11 The Site has a net residential area of approximately 0.18 hectares. The scheme is proposing 73 units, and therefore the proposed residential accommodation would result in a density of approximately 405 units per hectare.
- 8.12 London Plan policy 3A.3 outlines the need for development proposals to achieve the highest possible intensity of use compatible with the local context, the design principles within Policy 4b.1 and with public transport capacity.
- 8.13 The applicant has stated that the site has a public transport accessibility level, or PTAL, of four, taking into account improved services from Langdon Park DLR station. However, TfL have advised that the appropriate PTAL level is two. Table 3A.2 of the London Plan suggests a density of 70 to 170 units per hectare for sites within a PTAL of 2; and within PTAL 4, a maximum of 260 units per hectare. The proposed density is therefore significantly higher than the GLA guidance and would appear, in general numerical terms, to be an overdevelopment of the site.
- 8.14 However, the density matrices within the London Plan and Council's IPG provide a guide to development and, are part of the intent to maximise the potential of sites, taking into account the local context and London Plan design principles, as well as public transport provision.
- 8.15 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.

These issues are all considered in detail later in the report and are considered on balance to be acceptable.

8.16 Policies 3A.1, 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 location, type and impact on the locality. 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.

8.17 On review of these issues, a high density mixed use development is justified in this location in accordance with London Plan, UDP and IPG policies. The scheme is considered acceptable for the following reasons:

- The proposal is of a high design quality and responds appropriately to its context.
- The proposal is not considered to result in any adverse symptoms of overdevelopment.
- The provision of the required housing mix, including dwelling size and type and affordable housing, is acceptable.
- A number of contributions towards affordable housing, health, education and highways improvements, have been agreed to mitigate any potential impacts on local services and infrastructure.
- The development is located within an area with moderate access to public transport services, open space, town centre and other local facilities, whilst also providing a generous provision of retail space on site.
- A planning condition will look at ways to improve the use of sustainable forms of transport through a travel plan.

Housing

Affordable Housing

8.18 Policy 3A.9 of the consolidated London Plan (1998) sets out a strategic target that 50% of the new housing provision should be affordable.

8.19 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.

8.20 The proposal makes provision for 35% affordable housing by habitable rooms and as such complies with Council policy.

Social Rented/ Intermediate Ratio

- 8.21 Against London Plan policy 3A.9 the GLA's affordable housing target is that 70% should be social rented housing and 30% should be intermediate rent.
- 8.22 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. A summary of the affordable housing social rented/intermediate split is provided below:
- 8.23 The proposal provides 35% habitable rooms as affordable housing, which meets the Council's minimum target; 78% of those are for affordable social rented accommodation and 22% for intermediate housing. The proposed split therefore falls between the 80% social rent target of the Council's IPG, and the 70% social rent target of the London Plan. This is considered acceptable.

Housing Mix

- 8.24 The scheme is proposing a total of 73 residential units.
- 8.25 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".*
- 8.26 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".*
- 8.27 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.
- 8.28 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. The UDP does not provide any prescribed targets.
- 8.29 The following table below summarises the proposed housing mix against policy HSG2 of the Interim Planning Guidance 2007, which seeks to reflect the Boroughs current housing needs:

Unit size	Total units in scheme	affordable housing						market housing		
		social rented			intermediate			private sale		
		units	%	LDF %	units	%	LDF %	units	%	LDF %
Studio	1	0	0	0	0		0	1	2	
1 bed	20	3	17	20	1	20	37.5	16	32	37.5
2 bed	36	8	44	35	2	40	37.5	26	52	37.5
3 bed	16	7	39	30	2	40	25	7	14	25
4 bed		0	0	10	0			0		
5 Bed		0	0	5	0			0		
TOTAL	73	18	100	100	5	100	100	50	100	100

8.30 The unit mix for the social rent tenures sees a 17% provision of one bed units against a policy target of 20%, a 44% provision of two bed units against a policy target of 35% and a 39% provision of three bed units against a policy target of 30%. It is considered that the mix for the social rent units is acceptable. Whilst there is a slight under provision of 1 beds, however the scheme compensates for this with above target provisions of 2 and 3 bed units.

8.31 The unit mix for the intermediate units see a 20% provision of one bed units against a target of 37.5%, a 40% provision of two beds against a target of 37.5% and a 40% provision of three bed units against a target of 25%. There is an under provision of 1 beds, but again a healthy provision of 2 and 3 bed accommodation, which on balance is considered acceptable.

8.32 It is to be noted that the scheme also 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 %	PA/09/562 %
Social rented	21.7%	39%
Intermediate	9.7%	40%
Market	1.7%	14%
Total	6.8%	22%

8.34 On balance, the scheme provides a suitable range of housing choices and meets the needs of family housing in the social rented component. As such, the proposed housing mix is considered to comply with national guidance, the London Plan, UDP and the Interim Planning Guidance in creating a mixed and balanced community.

Design

8.35 The subject site does not lie within a Conservation Area, nor does it contain a Listed Building. Immediately to the south and west of the subject site lies the Caspian Wharf development sites, which reach to a maximum of 9 storeys. To the north and north-west if the site is a four storey residential development, with 2-3 storey EDF substations to the

west.

- 8.36 There is one objection to the proposed development, where a resident is of the opinion that the proposed building is too high, turns its back on Violet Road with insufficient setback and landscaping, proposes inappropriate materials, and will contribute to the canyonisation of Violet Road. However, the Council's Development and Renewal Department are of the opinion that the buildings height, scale, bulk, layout and quality of design is appropriate for this location. This opinion is examined in detail below.

Bulk and Massing

- 8.37 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 achieving good design. These principles are also reflected in policies DEV1 and DEV2 of the UDP and the IPG.
- 8.38 Policy CP4 of the draft Core Strategy states that LBTH will ensure development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the IPG reiterates DEV1 of the UDP and states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.39 Immediately to the south of the site, the Caspian Wharf development reaches between 5 and 9 storeys. The southern tower of the proposed building reaches 9 storeys in height, and sits below the corner tower of Caspian Wharf.
- 8.40 Following concerns raised by the GLA and neighbours over the height of the building, as well as officers original concerns over the impact on Violet Road and Glaucus Street properties, the applicant has sought to address this by re-designing the northern elements of the scheme, reducing its mass by removing one storey from the northern tower, and one storey from the northern-most elevation immediately south of 64-68 Violet Road. The general distribution of bulk and massing is now considered acceptable, with the building now stepping down from south to north in order to appear congruous with its northern neighbours.
- 8.41 Objection to the scheme suggests that the building does not propose sufficient setback from Violet Road, and turns its back on the principle street. Officers have considered this objection, however it is noted that the scheme proposes an average set back of 4.3 metres from the back edge of the pavement, with lightwells and acceptable levels of soft landscaping across the front of the site. The southern tower projects further forward – an average of 1.5 metres from the back edge of the pavement, however this feature does not extend down to ground level. The existing arrangement on site sees the flank wall of the building hard up against the pavement edge. Considering the existing building line on site, and the substantial proposed setback, officers are of the opinion that the setback is appropriate and acceptable in this location, and will not lead to a canyonisation effect along Violet Road.
- 8.42 Another matter raised in letters of objection indicated the building itself turned it's back on Violet Road. However, the introduction of an active retail/commercial frontage at ground floor is supported, as it will serve to create a relationship with pedestrians on Violet Road. Entrances to the two residential blocks are well defined at each end of the building, and the proposed shopfronts are contemporary with appropriately placed entrances.
- 8.43 When viewed from Violet Road, the proposed massing will generate sufficient interest, whilst appearing congruous with the established pattern of development – both as-built and

consented.

- 8.44 On balance, the bulk and massing of the development is considered to be acceptable. The proposal generally meets the Council's UDP design policies. The site layout and contribution to public realm responds well to the urban context, and the development presents a positive opportunity to activate and regenerate the Violet Road frontage. The scheme should be conditioned appropriately to ensure that a high quality detailing of the development is achieved.

Materials

- 8.45 Policies DEV1 of Council's UDP, and DEV2 of the IPG seek to ensure that new development takes into account the character of the surrounding area with relation to the use of materials.
- 8.46 Objection was raised on the basis of the proposed materials, indicating that they should complement the historic nature of the surrounding area, with additional specific reference to the proposed balconies. The base of the proposed building incorporates red brickwork to match recently approved development in the area, together with the broader context of the area such as the Spratts Building – a large scale factory/warehouse to the south of Limehouse Cut. The two projecting tower elements are proposed with metallic silver aluminium cladding with matching screens of part obscure glazed panels which add layering and reflectivity to these elements. The result of this contrast in materials is to create the appearance of lightweight additions, contrasting with the solid brickwork.
- 8.47 Each residential unit is proposed with a balcony, constructed of galvanised steel with mesh infill panels.
- 8.48 The general palate of materials is considered acceptable and appropriate, and will serve to provide a high quality contemporary development. However, to ensure these high quality materials are delivered, it is recommended a condition is attached to secure the submission of material samples for consideration by officers.
- 8.49 The proposal is therefore considered to provide an acceptable scheme in terms of design, bulk, mass and scale, in accordance with, the London Plan and the IPG.

Amenity

Floor Space

- 8.50 Policy HSG13 'Conversions and Internal Standards for Residential Space' of the Adopted UDP 1998, and SPG 'Residential Space' set the minimum internal floor space standards.

The internal floor area of each proposed flat exceeds the minimum standards set out in the above documents, and are therefore considered acceptable.

Amenity Space

- 8.51 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:

<u>Tenure</u>	<u>Proposed</u>	<u>SPG Requirement</u>	<u>Total (m²)</u>
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Family Units	16	50sqm of private space per family unit	800
Non-family units	57	50sqm plus an additional 5sqm per 5 non-family units;	97
Child Bed spaces (according to the ES calculations)	62	3sq.m per child bed space 10sq.m as specified in London Plan	187 620
Total			1,084

Policy HSG7 of the Interim Planning Guidance provides standards for amenity space as follows:

Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	1	6	6
1 Bed	20	6	120
2 Bed	36	10	360
3 Bed	16	10	160
4 Bed	-	10	-
5 Bed	-	10	-
TOTAL	73		646
Grand Total			646
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	110
Total Housing Amenity Space Requirement			756

- 8.53 In total, the proposed development will provide 82sqm of communal amenity space and 1,216sqm of private amenity space within the site.
- 8.54 Whilst the provision of communal amenity space (82sqm) falls below the guidance in the Council's UDP (97sqm) and IPG (110sqm), the shortfall is considered to be acceptable on balance with the provision of 1,216 private amenity space. All of the proposed residential units will be served by private amenity space in the form of terraces or balconies.
- 8.55 Through negotiations with officers the private amenity space and children's play space provision was increased, whilst the communal amenity was decreased. This was due to the fact that as originally proposed there was a clear conflict of private and communal space on the first floor terrace area, to the rear of the building. Revisions have seen this area turned into private space for the units along the rear elevation at first floor level, and the layouts have been re-configured so as to provide 2 and 3 bedroom units only along the terrace.
- 8.56 The communal amenity space is proposed at 6th floor level, with playspace immediately adjacent. The amenity area can be accessed from both stair cores, and includes buffer space adjacent to habitable room windows. The closest public open space to the site is Wyvis Street Open Space, approximately 250m to the south-east of the site as the crow flies, which space is made up of green space and play area. Furze Green Open Space and Fern Street Open Space are located approximately 500m to the west and north west.

- 8.57 A range of amenity space is therefore provided as part of the proposed development. The proposed amenity space will complement existing areas of public space in the vicinity of the application site.
- 8.58 Taking account of the site's urban location and the scale and character of the proposed development, it is considered that the scheme will provide adequate amenity space in accordance with UDP Policy HSG16 and Policy HSG7 of the IPG.

Child Play Space

- 8.59 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 Mayors SPG, this development will be home to 26 children.
- 8.60 Using the Council's methodology for calculating child play space, the scheme will be home to 21 children. The methodology for this calculation is inline with the Council's capacity study for education. However as this document is only supporting evidence to the IPG, the mayor's methodology would appear to be the more realistic calculation.
- 8.61 Whilst both the UDP Residential Standards, SPG and the IPG prescribe 3sq.m per child bed space, paragraph 4.29 of the Mayors child play space SPG states that a benchmark standard of 10sq.m per child should be applied to establish the quantitative requirements for play space provision for new developments. This equates to a requirement of 262sq.m recreation space.
- 8.62 The applicant has stated that 175sq.m of playspace will be provided within the development. One area is provided at sixth floor podium level, with further under 5's playspace at fifth floor level. This equates to 6.7sqm per child.
- 8.63 The children's play space within the development will be designed for children under five, although the specifics of the design and equipment have not been provided. Whilst the applicant has indicated materials to be used and demonstrated within the originally submitted landscape plan, further illustrative material is required to ensure the quality of the proposed spaces are achieved. This will be conditioned appropriately.
- 8.64 Whilst specific facilities are provided for 0 – 5 age group, the applicant has provided no details on provision for the 5 – 16 year olds. The Mayor's Supplementary Planning Guidance 'Providing for Children and Young People's Play and Informal Recreation' recommends that playspace for children aged 5 – 11 should be within 400 metre walking distance of home, and facilities for 12 years+ should be within 800 metres of home.
- 8.65 The Furze Street public open space includes a play space area and landscaped open space, and is located approximately 500 metres, or 8 minutes walk from the subject site. Additionally, there is a pocket park of open space within the existing residential development 80 metres to the north of the site.
- 8.66 There are also existing facilities available at Langdon Park, which include 5 a-side courts, netball/tennis courts, and indoor community facilities. This site is approximately 600 metres, or 12 minutes walking distance from the site.
- 8.67 Within the applicant's submission it is noted that children from this scheme will have access to publicly accessible play space opposite the subject site, within the Caspian Wharf development. The play and open space associated with this development will be completely publicly accessible. It is envisaged that part of the funding secured from the S.106

agreement will go towards providing a pedestrian crossing to facilitate this access.

Summary

- 8.68 It is clear that the private amenity provision exceeds the minimum requirement of the Council's housing SPG and the Interim Planning Guidance. Whilst the communal amenity space provision falls short of the recommended minimum, the quality of the space, acceptable internal areas of flats and access to public open space to the north west of the development is considered to provide sufficient amenity. On balance the proposed child play space considered to comply with relevant national and local policies and guidance.
- 8.69 On balance, the amenity space provision is considered acceptable subject to a detailed landscape design condition.

Accessibility and Inclusive Design

- 8.70 The revised mix provides 9.6% (7 units) of the units as wheelchair accessible, which is considered acceptable with relation to Council's policy suggesting 10%. This is comprised of 2 x three bed five person units for social rent, and 1 x two bed three person unit for intermediate housing. In the private sale element there is to be a provision of 2 x three bed five person units, and 2 x two bed three person units. The scheme has also been conditioned to ensure the proposed disabled parking space is provided and maintained.
- 8.71 The affordable and market housing elements have been designed to incorporate full Lifetime Homes standard requirements and will be conditioned appropriately.

Safety and Security

- 8.72 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.
- 8.73 The Metropolitan Police raised a number of design issues with the scheme regarding the safety and security of the development, as mentioned earlier in this report. These matters have been addressed satisfactorily by the applicant following amendments, and appropriate conditions. These include measures such as low-scale gates, CCTV and lighting.

Daylight /Sunlight

- 8.74 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylight and sunlight conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.75 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.
- 8.76 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. Following discussion with officers, the mass of the building originally proposed was reduced, and a further supplementary daylight and sunlight report was submitted, dated 10th July 2009.

8.77 The following properties were assessed for daylight and sunlight:

- 46 – 42 Violet Road to the north;
- 64 – 68 Violet Road;
- 93 – 95 Glaucus Street to the north-west;
- 1-15 Glaucus Street to the north-west;
- 17-31 Glaucus Street to the north-west;
- Caspian Wharf Block C to the south;
- Caspian Wharf Blocks A and D to the east; and
- Public open space to the north.

8.78 According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm).

1. Daylight Assessment

8.79 Daylight is normally calculated by three methods - the vertical sky component (VSC), daylight distribution/No Sky Line (NSL) and the average daylight factor (ADF). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should exceed 27%, or not exhibit a reduction of 20% on the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value. The ADF calculation takes account of the size and reflectance of a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s).

8.80 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:

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

8.81 The results of the assessment demonstrate that the majority of the neighbouring windows and rooms assessed within the existing properties will comply with the BRE VSC and ADF guidelines.

a. Daylight Results: Impacts on Neighbouring Properties

8.82 Results for 46-62 Violet Road, 64-68 Violet Road, 1-15 Glaucus Street and 17-31 Glaucus Street showed compliance with BRE guidance. However, there are some failures with relation to the Caspian Wharf sites, and 93-95 Glaucus Street.

93-95 Glaucus Street

8.83 Of the 6 windows assessed, 5 will comply with the VSC target levels. The one window which fails does so by only 3.82%, and provides light to a dual aspect living/kitchen area which has another window on the western side of the building. On balance, it is therefore considered that the daylight to this property will not be unduly detrimentally affected by the proposed development.

Caspian Wharf Block C

8.84 This development recently obtained planning permission, however construction works have not begun. Of the 77 windows facing the site, 26 would experience reductions of VSC beyond BRE guidance. Of the 26 that fail, 6 provide light to rooms with dual aspect – oriented either north-west, or north-east. Thus reductions to these windows are considered acceptable on balance. Of the remaining 20 windows, the failures exceed the BRE by 2.3% – 15.4%, however all but 6 windows pass the NSL, and all but 5 of the windows pass the ADF test. On balance, it is therefore considered that the daylight to this property will not be unduly detrimentally affected by the proposed development.

Caspian Wharf Blocks A and D

8.85 This development is currently under construction, and sits across the road from the subject site. It would not be possible to develop 100 Violet Road, and fully utilise the site without having a daylight and sunlight impact on this development. Street to street frontages such as this will always have daylight and sunlight implications in an urban context such as that being considered. This street to street relationship was considered acceptable when the original Caspian Wharf development was approved, particularly with the relationship between Block C on the western side of Violet Road, and Blocks A and D opposite, on the eastern side. However the proposal being considered incorporates a further setback from the pavement edge than that approved at Block C Caspian Wharf, and is also lower in height in order to limit the daylight and sunlight implications.

8.86 Results from the assessment are as follows. Of the 234 windows facing the site, 123 (or 52%) would experience reductions of VSC beyond BRE guidance. Of those that fail the VSC, 69 (56% of those which fail) also fail the NSL, and 19 windows (or 15%) also fail the ADF test.

8.87 However, in order to holistically consider these figures, it is useful to assess the failures in terms of unit numbers and rooms. There are 48 units which have west facing habitable room windows. None of the units will experience all windows failing all three tests of VSC, NSL and ADF. Of the 182 rooms which face the site, just 16 (8.8%) fail all three BRE tests.

8.88 On balance, it is considered that the losses in daylight and sunlight to this development are not beyond those which would normally be expected with a street to street relationship. Blocks A and D of Caspian Wharf have not yet been completed, and thus when occupants take ownership they will be aware of the development being considered.

b. Daylight Results: Impacts on Proposed Units

8.89 The results of the interior daylight calculations undertaken for the habitable rooms which received the least amount of light. Only one bedroom failed to reach the target ADF value of 1%. However, this room is located beneath a balcony on the lowest level, and benefits from a balcony itself. This in itself adds amenity value, and the arrangement is therefore considered acceptable.

2. Sunlight Assessment

8.90 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for windows within 90 degrees of due south.

a. Sunlight Results: Impacts on Neighbouring Properties

- 8.91 The results of the sunlight assessment demonstrate that any south facing neighbouring windows within 46-42 Violet Road, Glaucus Street properties and Caspian Wharf Block C will comply with the BRE annual sunlight guide levels (100% compliance).
- 8.92 In Caspian Wharf Blocks A and D, 128 of the 229 windows assessed do not comply, however of these, only 17 provide light to living rooms, which are considered the most important in the BRE guidance. Of this 17 it was found that in most instances the retained sunlight levels are determined by the overhanging balcony features which stretch the full width of the façade.; however winter sunlight is still unable to meet guidelines. This is by and large a product of the low position of the sun during winter months and local obstructions such as neighbouring buildings blocking the availability of sunlight. Overall the retained sunlight is considered fairly good.
- 8.93 At 64 – 68 Violet Road one of the 24 windows relevant for assessment fails to achieve the suggested BRE. The one remaining window is located on the ground floor, however this window is already below the guidance levels and the actual loss represents a minor reduction of 1% in the winter months when the sun is lower in the sky and further obstructed by neighbouring properties.

b. Sunlight Results: Impacts on Proposed Units

- 8.94 There are no primary habitable room windows within 90degrees of due south, and on this basis the sunlight to proposed units is considered acceptable.
- 8.95 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 units across the scheme comply with the 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.

(c) Shadow Analysis

- 8.96 The BRE report advises 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.
- 8.97 The applicants assessment confirms that the amenity area to the north-west of the subject site will not experience permanent shadow beyond the permitted limits indicated within the BRE guideline. The analysis identifies that the permanent shadow resulting from the development within each of the proposed areas of amenity space/public realm will be well below 40% of their total area (2.55%), as advised by the BRE guidance. The shadow impacts therefore comply with the BRE guidance.

Privacy/ Overlooking

- 8.98 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.

- 8.99 • No. 64 – 68 Violet Road and 17-31 Glaucus Street to the north

The positions of the windows in the north elevation facing No. 64 – 68 Violet Road have been designed to guide views out onto the open space to the west. Others, nearer the front of the building have been conditioned with obscure glazing to prevent overlooking into windows of the adjoining property to the North of the site. On the western elevation the closest window is from a living room, which at an oblique angle is located 17 metres from the rear of 17-31 Glaucus Street. Further, the roof terrace and balcony of the north-western first floor unit is within half a metre of the northern boundary. As such, it is recommended a condition is attached to this consent securing details of a minimum 1.8 metre high obscurely glazed screen to ensure overlooking is not an issue.

- 8.100 Separation distances such as those proposed are not uncommon in urban settings and are considered appropriate in this instance.

- 8.101 • EDF substation and bulk supply centre to the west

These two sites are not in residential use, and therefore privacy/overlooking are not a material consideration with relation to the current use. However, it is possible (although not necessarily likely) that these sites could come forward for development in the future. In this respect, the majority of habitable room windows are set off the boundary by just under 8 metres. A similar set back from the adjoining property could be achieved, which would likely create an acceptable relationship. However, the northern rear projection extends to within 1 metre of this boundary, and does include some secondary habitable room windows. Bearing this in mind, it is recommended that a condition is attached to this permission ensuring these windows are obscurely glazed and non-opening, so as not to blight the future development potential of these sites. The separation distance is generally compliant with policy guidance and, in consideration of the urban setting, the setback distance on balance is considered acceptable.

- 8.102 • Caspian Wharf block C to the south

There are no directly facing habitable room windows between the proposed building and Caspian Wharf Block C. However, there are proposed west facing balconies within 4 metres of the approved west facing balconies of this building, and approved north facing balconies within 16 metres. As such, again it is recommended that a condition is attached to this consent securing details of a minimum 1.8 metre high obscurely glazed screen to ensure overlooking is not an issue.

- 8.103 The southern flank wall of the proposed development has incorporated some flank wall secondary windows to living rooms. Again, these windows do not directly face neighbouring habitable room windows, and it is recommended that they are conditioned to be obscurely glazed and non-opening.

- 8.104 • Caspian Wharf blocks A and D to the east

The minimum separation distance between the eastern elevation and these dwellings which are currently under construction is approximately 17m. The separation distance is generally in compliance with policy guidance and considering the urban setting and width of the street, the setback distance on balance is considered acceptable.

- 8.105 • Impact of the development upon itself

The scheme proposes habitable room windows adjoining playspace and communal amenity

space, together with directly facing habitable room windows between the two projecting elements. The closest directly facing relationship is 12 metres. However, both of these units are dual aspect, and both rooms to which these windows relate have primary habitable room windows facing out to the east. Other windows which lie within 13 metres of each other have been designed to draw the eye to the west, away from the sensitive relationship.

- 8.104 On balance the separation distances proposed are considered acceptable.

Sense of Enclosure/ Loss of Outlook

- 8.105 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. Nevertheless, whilst it is acknowledged that the development may result in an increased sense of enclosure and/or loss of outlook to surrounding residences given the increase in height, on balance this proposal is not considered to create an unacceptable impact given the urban context and where the scheme is generally compliant with the setback guidance that governs privacy matters. A reason for refusal based on these grounds is not considered to be sustainable.
- 8.106 Additionally, whilst the outlook from neighbouring properties will change, it is considered that the high quality design and materials will ensure that the new building will represent a positive contribution to levels of outlook.

Wind/ Microclimate

- 8.107 Potential wind effects that require specific assessment are generally caused by tall buildings beyond the height of the proposed scheme. Nevertheless, the applicants have carried out a wind assessment with regards to the proposed building.
- 8.108 Objection from a local resident was raised on the basis of the front building line, and impacts on amenity and usability for pedestrians.
- 8.109 The assessment found that in general pedestrian safety will not be affected as a result of the new development, and the pedestrian safety analysis shows that the wind speeds would be reduced through the implementation of the proposed scheme. This is because the proposed building with a narrower footprint allows more dissipation of wind flow along Violet Road.
- 8.110 The study of pedestrian comfort shows that the proposed development will not significantly affect the activities along streets or in open areas, and as for pedestrian safety, conditions will actually be improved from the current arrangement.
- 8.111 The analysis shows that the new development is likely to improve the wind environment by reducing the wind velocities in the surrounding areas of the site. The results of the study show that the massing of the existing building causes wind turbulence, and the new development assists in reducing this.
- 8.112 The report does go on to recommend soft landscaping and trees along the streets and open areas as part of the landscape strategy. This has been incorporated into the scheme, details of which will be secured by condition.

Noise and Vibration

- 8.113 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 (policy 4A.14).
- 8.114 Policy DEV50 of the LBTH 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. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered.
- 8.115 One basis for objection surrounded the amenity of future occupants with relation to noise levels.
- 8.116 The hours of operation for the commercial unit are proposed as 08:00am – 19:00pm Monday to Sunday. It is recommended a condition is included to restrict deliveries for the commercial units as follows:
- Sundays and bank holidays between the hours of 10.00hrs and 14.00hrs; Monday to Saturday between the hours of 07.30hrs and 18.00hrs.
- It is also recommended a condition is attached securing the submission of a 'Service Management Plan' in order to further control the potential impacts to existing and future residents.
- 8.117 Flexible retail space is being proposed at ground floor level – falling within either A1 (retail), A2 (financial and professional services); A3 (Restaurants and Cafes); A4 (Drinking establishments); A5 (Hot food takeaways) or D2 (gymnasium). Use as A1 or A2 is unlikely to result in amenity concerns, and thus it is standard practice not to restrict hours for these uses. However, A3, A4, A5 and D2 can result in noise issues, and it is therefore recommended that, should either of these uses be implemented the hours are restricted by condition as follows:
- A3/A4/A5 - 08:00am to 23:00pm, Monday to Saturday;
 - 08:00am to 22:00pm on Sundays or Bank Holidays.
- D2 - 06:00am to 23:00pm, Monday to Saturday;
 - 08:00am to 22:00pm on Sundays or Bank Holidays.
- 8.118 Officers also recommend that conditions regarding the submission of extraction details and noise assessments should be submitted if A3/A4/A5 or D2 uses are implemented.
- 8.119 With relation to road noise, the new units will be required to adhere to building regulations in this respect, and thus the relationship between residential units and the road is considered acceptable.

Air Quality

- 8.120 The development would result in changes to traffic flow characteristics on the local road network. Potential impacts caused by the proposed development on local air quality has been assessed, and was found to be acceptable by the Councils' Environmental Health department, provided further details are secured by conditions. These relate to:
1. The source of the traffic data used in modelling;
 2. Mitigation measures – design and operation of mechanical ventilation, and mitigation measures to be installed prior to occupation;
 3. D1 stacking height for the gas boiler.

Highways

Access

- 8.121 The scheme is proposed as car free, and as such it is important to ensure there are good public transport links to the site. The subject site has four bus routes operating within the vicinity, with the closest bus stops on Violet Road within two minutes walking distance of the site. The D8 (from Violet Road), 323 (from Devons Road Station), 309 (from Broomfield Street) and 108 (accessed from Blackwall Tunnel Northern Approach) can all be reached and provide transportation to Stratford, Isle of Dogs, Canning Town, Mile End, Bethnal Green and Lewisham. The closest DLR stations are Devons Road (350 metres from the site) and Langdon Park (600 metres from the site) within 10 minutes walking distance from the site.

Parking

Car parking

- 8.122 The scheme is proposed as car-free, aside from one servicing space, and one disabled car parking space.

Cycle Parking

- 8.123 TfL and LBTH seek a minimum of one cycle parking space per residential unit. The scheme proposes the inclusion of 71 cycle parking spaces. Detailed specifications have been submitted to the Council's Highways section to assess the layout and area of the cycle parking facilities, and the arrangement has been found to be acceptable. Whilst the number of spaces does not meet the 1 to 1 guidance, the Council's Highways section consider that the proposed cycle parking provision is acceptable.

Servicing and Refuse Provisions

- 8.124 The existing vehicular entrance to the site is proposed to be retained and widened. As noted previously, this entrance is for servicing, refuse and disabled parking only. There is no private parking associated with the scheme.
- 8.125 A series of track plots were carried out to ensure articulated vehicles can enter and exit the designated servicing area without any hazardous movements.
- 8.126 A condition requiring the submission of a service and delivery management plan to be approved by the Council is required to ensure personnel are always present at the time of deliveries, to ensure the protection of pedestrians crossing the access road, as well as mitigating any potential impact upon Cardigan Road. This is considered sufficient in addressing the safety concerns raised by the public.
- 8.127 Objection was raised regarding the refuse provision and its appearance within the streetscene. Provision for the storage of refuse for the residential and non-residential uses has been provided for. These are located behind the proposed gate, and details of refuse collection will be included within the service and delivery management plan. Adequate management should serve to ensure that the refuse arrangements will not have a detrimental impact on the public realm. Notwithstanding this, the Highways section is satisfied that the gate is set back from the back edge of the pavement sufficiently, to ensure that vehicles will not overhang the pavement should they have to wait for access.
- 8.128 Following negotiations, officers have secured a further £30,000 contribution toward the

provision of a new pedestrian crossing and traffic calming measures toward the north of the site. This is in order to improve pedestrian safety for the increase in pedestrian footfall within the area.

Other

Flooding/ Water Resources

- 8.129 Policy U3 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.
- 8.130 The site is not located in a flood risk area. Notwithstanding, appropriate mitigation measures should be enforced via planning conditions if permission was granted to address drainage matters.

Sustainability

- 8.131 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.
- 8.132 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.
- 8.133 The applicant submitted an energy and sustainability strategy. Following the initial submission and Stage 1 response from the GLA, amendments were made to the scheme, and further clarification was provided with relation to the following:

Baseline Carbon Dioxide Emissions

The baseline emissions for the development have been estimated to be 471 Tones CO₂ per annum, based on Building regulations approved modelling software - IESVE software.

Energy Efficiency

A number of energy efficient design measures are proposed, including energy efficient lighting, a highly air tight building envelope and improved U-values beyond the minimum requirement of the current building regulations (2006) requirement. The energy strategy does not make any firm commitments and outlines the measures as assumptions, therefore these measures will need to be confirmed at the detailed design stage via condition. The proposed energy efficiency measures are expected to make 7% CO₂ emissions reduction from the calculated baseline, however it is recommended that details are secured by condition.

Cooling

The residential element of the scheme will not be cooled, and it is suggested by the applicant that an Air Source Heat Pump system is used for the commercial element. However, such specifics can be agreed by way of condition.

Combined Heat and Power

The scheme proposes 3 mini CHP units, which are estimated to reduce carbon emissions by 19%. The GLA suggested that these be revised to one single CHP unit for simplicity of operation and maintenance. The applicant has acknowledged this, and it is suggested that

the details surrounding this point will be investigated, and can be dealt with by condition.

To be in compliance with energy policy 4A.6, the CHP system should serve all thermal loads (domestic and non-domestic) of the proposed development.

A detailed CHP study should be provided which should include load profiles and demonstration that the potential of the CHP system has been maximised. Furthermore, a schematic drawing of the plant room / energy centre should be provided showing the layout of the plant room and its location within the development, the plant room / energy centre should be designed and future proofed and be able to connect to a larger decentralised energy network in the vicinity should one become available in the near future. Again, these details can be dealt with at the detailed design stage, and thus addressed by way of condition.

Renewable Energy

The proposal includes the installation of photovoltaic (PV) panels, and wind turbines on the roof the building. The applicants have confirmed that the arrangement of turbines and PV panels will provide a reduction of carbon emissions by 9%. The applicants have also confirmed that in the development stages of the scheme, consideration was given to the type of building and whether it was appropriate for wind turbines and PV's. It is recommended that the details and emission reductions be secured by condition.

Sustainability

The applicant has included a sustainability strategy and a Code for Sustainable Homes pre-assessment demonstrating the residential element of the development achieves Code Level 4.

For the non residential element of the development a BREEAM industrial pre-assessment has been provided demonstrating the commercial element of the development achieves an 'Excellent' rating.

- 8.134 The Council's Energy Efficiency Unit is satisfied with the energy efficiency, renewable energy and sustainable design and construction policies set out in the London Plan and LBTH IPG, provided further details are submitted by way of a condition.

Environmental Impact Assessment

- 8.135 The Council considers that the proposed development does not require an Environmental Impact Assessment (EIA). The proposed development does not fall within Schedule 1 of the EIA Regulations. The proposal development is an 'Urban Development Project' within paragraph 10(b) of the EIA Regulations: the site area (0.758ha) exceeds 0.5ha.
- 8.136 The Council does not consider that the proposed development is EIA development because it is not considered that the proposed development is likely to have significant effects by virtue of factors such as its nature size or location.
- 8.137 In reaching this conclusion the Council has applied the selection criteria set out in Schedule 3 of the EIA Regulations and considered the characteristics of the development, Location of the development and characteristics of the potential impact, including those factors set out within that Schedule.
- 8.138 The Council has also taken into account Circular 02/99 paragraphs 43-44 and Annexe A, paragraphs A18 and A19, Indicative Thresholds and Criteria for Identification of Schedule 2 Development Requiring EIA.

- 8.139 No part of the proposed development is to be carried out in a sensitive area as defined under the EIA Regulations.

Additional points of Objection

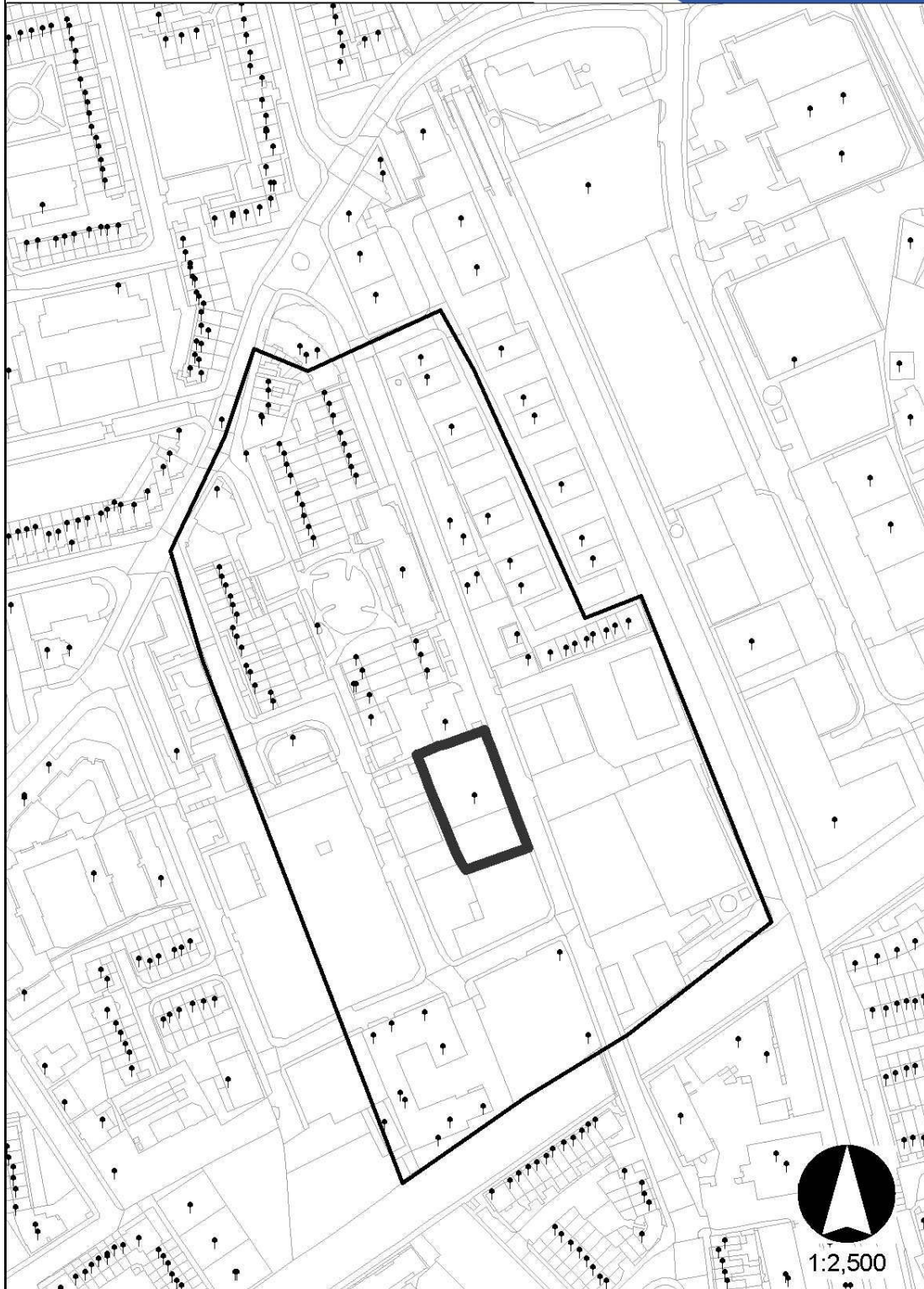
S106 Contribution

- 8.140 Objector suggested that contribution should be made toward street furniture, gentrification of the bridge to the south, and new sound absorbing tarmac. The Councils Highways Section have visited the site and taken into consideration contributions which have already been secured for improvements as part of the Caspian Wharf development. Improvements have been secured for the public realm surrounding the subject site and toward the southern end of Violet Road. Considering this, the contribution of £30,000 has been secured for improvements toward the north of Violet Road, where it is most needed.
- 8.141 Taking account of all potentially significant effects including cumulative impacts; the Council has judged that the following most sensitive aspects of the development; intensification of development, historic environment, air quality (an Air Quality Management Area, AQMA), noise, daylight/sunlight, traffic, waste and construction in general, are considered to be material considerations but their impacts are not of a size, or in a location, or have characteristics, which would lead us in this case to determine them as anything other than those anticipated for a development of this type, within the borough.

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: 04 th August 2009	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director of Development and Renewal Case Officer: Jason Traves		Title: Planning Application for Decision 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 including two towers of 29 storey and 35 storeys and comprising 414 residential units, re-provision of drive-through restaurant, retail / financial and professional service units, crèche, gymnasium, associated residential and community 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; A1200 – 01; A1201 – 01; A1202 – 01; A1203 – 01; A1300 – 01; A1301 – 01; A1302 – 01; A1303 – 01; A1304 – 01; A1305 – 01; A1306 – 00; A1307 – 01; A1400 – 01; A1401 – 01; A1402 – 01

0000; A3001- 00; A3002 – 00; A3003 – 00; A2001 – 00; A2000 – 00; A2004 – 00; A2002 – 00; A2003 - 00

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
Addendum to the Environmental Statement
Transport Assessment

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 (2557.5 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 good 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 a combination of on-site provision as well as a contribution in-lieu which, when combined, achieve equivalent to 35%. On balance, the arrangement is considered to be the optimum use of the site and means to secure family housing in appropriate locations in response to Members concerns. The proposal is considered to accord with Policies CP22 and HSG4 of the LBTH Interim Planning Guidance which seeks sufficient and appropriately located affordable housing contributions to ensure a balanced and mixed community.

(4) The proposed family housing achieves the amount required in the social rent tenure, pursuant to CP21 of the Interim Planning Guidance. It therefore meets housing needs in this respect. In terms of overall family housing provision (20.9%), 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 Anne's 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 is 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 (35%) 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) Equivalent to **35%** affordable housing based on habitable rooms. This comprises a proportion of units on site (69 units) plus an off-site contribution (**£12.857m**) in-lieu, with a 70:30 split between social rent and shared ownership tenures.;
- b) Provide **£1,563,264** towards highway improvements;
- c) Provide **£632,592** towards education to mitigate the demand of the additional population on education facilities;
- d) Provide **£569,664** towards medical facilities to mitigate the demand of the additional population on medical facilities;
- e) Provide **£546,480** towards an improved amenity 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 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 EA
Flood warning system as required by the EA
- 13) Archaeology details required by English Heritage
- 14) Final details of noise mitigation measures, including the barrier around the children's play area, as well as enclosure of private balconies and terraces to be agreed
- 15) Air quality mitigation in accordance with details agreed
- 16) The waste and recycling facilities to be provided in accordance with the approved plans
- 17) Construction in accordance with the TA
- 18) Full particulars of the green roof to be provided
- 19) Full particulars of extract ventilation and ductwork
- 20) Lifetimes Homes standards and 10% wheelchair accessible
- 21) Code for sustainable homes compliance
- 22) Full details of the design of the CHP are required
- 23) Water supply impact studies to be agreed prior to commencement as required by Thames Water

- 24) Details of works to highways to be submitted
- 25) Full particulars of PVs are required
- 26) 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 10-12
- 3) Consult Metropolitan Police in terms of conditions 2 & 3
- 4) Consult English heritage on 2 & 13
- 5) Consult LBTH Parks, LBTH landscape, natural England, BW and English Nature on the s106 for poplar dock
- 6) Consult port of London authority and TFL for 17
- 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) Consult BW in respect of the dock wall
- 24) Consult London use of construction cranes prior to commencement

- 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

Responding to Member's Concerns

- 4.1 The subject application was first reported to the Strategic Development Committee on 9th October 2008. See report **attached**. The Committee resolved to defer the case to enable a further report to be submitted to the next meeting to consider their concerns, as follows:

"On a vote of 4 against and two for, with one abstention, the Committee indicated that it did not support the Officer's recommendation to grant planning permission for redevelopment of the site to provide a residential-led, mixed use scheme comprising 355 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.

On a vote of 7 for and 0 against, the Committee indicated that it was minded to refuse planning permission, and that final consideration be deferred to enable a further report to be submitted to the next meeting of the Committee to address concerns expressed by

Members.”

- 4.2 Whilst Members were encouraging of the architecture, they remain concerned about the level of residential development, including family housing, given the site characteristics and constraints, namely, connectivity, noise and air quality.
- 4.3 Since then, the applicant has modified the scheme which necessitates it being reported back to the Committee as a full item for consideration. The changes to the scheme area as follows:
- Removal of family-sized affordable-housing from the scheme in favour of an in-lieu financial contribution towards off-site provision by the Council;
 - Provided further details of the mitigation measures to address noise and air quality;
 - Deleting the short-term let apartments and replacement with residential C3 flats on floors 01-03;
 - Increase in the affordable housing offer by 5% to 35%, comprising of an off-site financial contribution for family-sized affordable units as well as 69 non-family units on site; and
 - An increase in the planning contributions (See summary in 3.1).
- 4.4 The subject report considers these amendments to the scheme as well as offers additional clarification to address the concerns of Members. It should be noted that the site characteristics and constraints have informed the development the scheme from the outset. From the Scoping Opinion and Scoping Report to the Environmental Statement, the appropriateness of the site for residential development of this scale, as well as connectivity, noise and air quality have been considered.

Removing family-sized affordable housing

- 4.5 Members discussed the quality of the living environment created, given the amount of development proposed as well as the site characteristic and constraints. Particular mention was made of the undesirability of the site for families. Removing family housing was discussed in the meeting as a possible option. The applicant has since amended the scheme to remove family sized affordable housing and instead, pay a financial contribution for its provision off site. The ‘Housing’ Chapter in section 8 provides the details of the housing offer which is acceptable to the Council’s Housing Team.

Connectivity

- 4.6 The ‘Transport’ chapter of section 8 considers the following connectivity improvements that the s106 planning contributions will contribute towards:
- Improvements to the Preston’s Road roundabout to improve linkages to areas to the north including the East India DLR station, A13 bus stop, Crisp Street Markets and future development in the Blackwall Reach Development Framework; and
 - Details the improvement to pedestrian connectivity across Trafalgar Way to the south to Poplar Dock and further afield to Canary Wharf
- 4.7 This report considers that the improvements to connectivity will be significant. Rather than being isolated and cut-off, future residents will be able to readily access the surrounding area in a more direct, convenient and safer way.

Noise

- 4.8 The ‘Amenity for future occupiers and users’ chapter of section 8 provides further clarification of the baseline noise levels, the mitigation measures required and how they will achieve a suitable environment for future occupiers in accordance with PPG24. This report considers that the mitigation measures agreed by the Council’s Environmental Health Team will

achieve a suitable noise environment for future residents.

Air quality

- 4.9 Further clarification concerning air quality is provided in section 8 under 'Amenity for future occupiers and users'. The mitigation measures agreed by the Council's Environmental Health Team will achieve a suitable level of air quality for future occupiers.

Revised proposal

- 4.10 The revised proposal is for redevelopment with a residential-led, mixed-use scheme. It includes two towers of 29 storey and 35 storeys in height. It is proposed to include 414 residential units, re-provision of the drive-through restaurant, retail / financial and professional service units, a crèche and gymnasium. In addition resident and community 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.
- 4.11 The details of the scheme are as follows:
- The provision of 604sqm Gross Estimated Area (GEA) of restaurant (Class A3) floorspace and 163sqm Retail (Class A1/A2) predicted to generate between 30 jobs in the operational phase and 146 jobs during the construction phase;
 - 33,257sqm of residential (Class C3) flats with sizes ranging between studio – 3 bedroom;
 - An affordable housing package comprising units on site and an off-site contribution which is equivalent to 35% based on habitable rooms;
 - Residential design that achieves level 3 for the Code for Sustainable Homes Criteria as well as 10.1% wheelchair housing (42 units);
 - 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 5,923sqm of amenity space comprising:
 - 2473sqm of private amenity space for residential C3 flats 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 with monies secured in the s106 planning contribution package;
 - The provision of 97 car parking spaces, comprising of 60 spaces for the residential (C3) uses and 37 spaces for the MacDonald's restaurant. Of these, 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

4.13 The floorspace of the various landuse is summarised in the table below:

Floorspace

Use	Proposed area PA/08/1321 (GIA sqm)
Residential (C3)	33,257sqm (414 units)
Retail (A1, A2)	132
Restaurant/drive-thru (A3/A5)	604
Crèche (D1)	98
Health Club (D2)	88
Total	34,179

4.14 The principle design element of the scheme is the two circular tower elements, clad in horizontal bands of glass and metal. The metal banding is perforated (holes) to allow for increased light penetration into the building as well as being an interesting feature. Unique building projections between the towers provide added visual interest as well as accommodating skygardens for flats. Rooftop terraces complete the tower design. In terms of uses, the ground floor comprises the residential access and servicing areas, as well as being the location for the commercial units, including the MacDonal’s restaurant which is reprovided. Also of note is the podium level which accommodates amenity space, including the children’s play area and a crèche.

4.15 A unique feature of the scheme is the mechanical car storage system. Working in a manner of a vending machine, drivers can deposit and retrieve their car from the designated access point at the ground floor using their access code. The mechanical system does the rest, moving the car between the basement storage and ground floor access point. This solution is helpful for people with a disability as there is no need to enter the basement. The transport assessment predicts that only 2 cars will queue to use this space in peak periods and the queuing area provided on site can accommodate 3 cars.

Site and Surroundings

4.16 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 MacDonal’s restaurant and drive-thru takeaway facility. The site benefits from landscaping and on-site car parking for 41 cars.

4.17 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.

4.18 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.

4.19 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.

4.20 Pursuant to the Mayor’s London Plan, the site is adjacent to the Canary Wharf Opportunity Area and is within an area with a Public Transport Accessibility Level (PTAL) of 6a.

4.21 To the north of the site is Aspen Way, and further north is predominantly residential in character. To the south are recent residential developments 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

4.23 The previous application, PA/08/274 was for redevelopment to provide a residential-led, mixed use scheme. The scheme was identical in appearance and comprised of two towers of 29 and 35 storeys in height respectively. The proposed use for 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 the children's play area located atop the podium level.

4.24 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."

4.25 It is noted that the application was withdrawn by the agent on 02 July 2008, prior to the Council issuing the decision notice.

4.26 The subject application PA/09/1321 was first considered by the Strategic Development Committee on 09 October 2008. The committee resolved to refuse the application as follows:

"On a vote of 4 against and two for, with one abstention, the Committee indicated that it did not support the Officer's recommendation to grant planning permission for redevelopment of the site to provide a residential-led, mixed use scheme comprising 355 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.

On a vote of 7 for and 0 against, the Committee indicated that it was minded to refuse planning permission, and that final consideration be deferred to enable a further report to be submitted to the next meeting of the Committee to address concerns expressed by Members."

4.27 In the meantime, material changes were made to the scheme, necessitating a report back to committee as a full item. Although included on the agenda of the 02 April 2009 Strategic Development Committee meeting, the meeting overran and consideration of this scheme was deferred.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Decision” 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
	CON5	Protection and Management of Important Views

Supplementary Planning Guidance/Documents

Residential Space Standards
Archaeology and Development

The Mayor's Spatial Development Strategy for Greater London, The London Plan (Consolidated with Alterations since 2004) 2008

Policies	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
	4B.10	Large Scale Buildings – Design and Impact
	5C.1	The Strategic Priorities for North East London

**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 £2,202,419.00 (Capital element £505,379.00 and Revenue element £1,697,040.00):

(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 Although, no comments have been received in respect of the current revisions, the Ecology Team previously advised that they had no objection to the application.

LBTH Highways

6.6 Advice that the changes to not materially alter their consideration of the application and that the previous comments still apply, namely:

- 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 Although, no comments were provided in respect of the current revisions, it is not considered to alter the previous advice, namely:

- 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 Satisfied that potential impacts are mitigated through the design in accordance with the details submitted

(Officer Comment: See 'Amenity impacts for future occupiers' and 'neighbour impacts' in section 8 for discussion).

LBTH Environmental Health – Land Contamination Issues

6.10 The officer considers the approach to assessing land contamination risk is appropriate and recommends an appropriately worded condition of approval.

(Officer comment: An appropriately worded condition is recommended if the Council approves the application.)

LBTH Environmental Health – Air quality

6.11 Satisfied that the potential air quality impacts have been mitigated through the design in accordance with the details submitted.

(Officer comment: See 'Amenity impacts for future occupiers' in section 8 for discussion.)

LBTH Education

6.12 An education contribution of £419,628 is requested.

(Officer Comment: See section 8 of this report for discussion of s106 contributions.)

LBTH Waste

6.13 The Waste Team indicate that they have no comments to make in respect of the revisions, the waste arrangements otherwise being considered acceptable.

Greater London Authority (Statutory Consultee)

6.14 The Mayor's previous comments are noted below:

- 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.

Additional comments were received in respect of the commuted sum for off-site provision of family-sized affordable housing. The benefits of the off-site affordable housing were recognised. Although, at this stage, the delivery cannot be quantified in real terms given there are no planning permissions or guaranteed outcomes, other than by means of a payment to the Council. As such, there is no onus of the developer to complete the affordable housing prior to the completion of the market units.

(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 for remediation required
- Amendment 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 No comments received

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.

(Officer comment: An appropriately worded condition is recommended if the Council was to consider approval of the application.)

London City Airport (Statutory Consultee)

6.22 No comments received.

(Officer comment: Although, LCA did not comment on the revisions, the changes to the scheme do not involve any alteration to the height, location or appearance of the towers. Therefore, it is considered that the previous comments from the LCA apply i.e. that they have no objection to the proposal.)

National Air Traffic Services Ltd (NATS) (Statutory Consultee)

6.23 The Authority has no safeguarding objection to the proposal.

Thames Water Authority

6.24 Comments in respect of the revisions are the same as previously provided:

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 to the proposed development, it being noted that they previously recommended conditions in respect of the following:
- 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 recommended if the Council considers granting planning permission.)

Lea Valley regional Park Authority

- 6.26 No comments received

Metropolitan Police

- 6.27 Metropolitan Police advise that they are happy with the scheme.

London Fire and Emergency Planning Authority (LFEPA)

- 6.28 The Authority advises that there is no change to their previous advice, as follows:
- Comments are 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 no to make in respect of the revisions.

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 green space.

(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 green space.)

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 considers 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 and the revisions.

CABE

6.35 No comments to make on the scheme and the revisions.

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 received.

(Officer Comment: It should be noted that objections were received in addition to those for the previous application PA/08/274. Whilst the site is considerable distance from Maritime Greenwich, it is visible from Greenwich Park and is in the GLA London View nevertheless. 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. The this matter was considered in the ES and additional written justification was submitted previously in support of the scheme, 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 987 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:

7.2 No. of individual responses: 1

(Note that this is the only additional submission since the first report to Strategic Development Committee on 09 October 2009 in which 7 submission were considered)

7.3 The following comments were raised in representations that are material to the determination

of the application:

- 7.4 Concern about local residents.
(Officer comment: The potential impacts of the scheme upon local residents has been addressed in section 8 of this report. The impact upon local facilities/services has been addressed by the package of financial contributions, also discussed in section 8. This is considered to appropriately deal with the potential impact to local residents and no further consideration is necessary).
- 7.5 The view that there are too many buildings “like this” being built in tower hamlets.
(Officer comment: Although unspecified, the opinion is taken to be in reference to the tall building format. As such, the suitability of the design of the tall building and its impact has been fully addressed in section 8.)

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:
1. Landuse
 2. Housing
 3. Design
 4. Amenity for future occupiers and users
 5. Neighbour Impacts
 6. Transport Impacts
 7. Sustainability
 8. Planning Contribution

Landuse

Mixed-use

- 8.2 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.
- 8.3 In respect of national policy, PPS 1 ‘Creating Sustainable Development’, it promotes 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. The effective use of land and the range of incentives/interventions to facilitate this are also encouraged in PPS3 ‘Housing’.
- 8.4 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 mixed uses. Policy 3B.3 ‘Mixed Use Development’ (90) mentions that mixed uses are also encouraged within the 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’ of the London Plan.
- 8.5 Further in respect of Policy 5C.1, the priorities for the sub-region include, amongst other things, to ensure substantial expansion of population growth is accommodated in a sustainable way. The Mayor’s North East London sub-region is a priority for development,

regeneration and infrastructure improvement. It has many of the capitals largest development sites as well as a large number of areas suffering multiple deprivation. Nationally important change and regeneration is anticipated in this region. Improvements to transport infrastructure will facilitate employment growth and areas of deprivation will need to be addressed by development. The sub-region demands improvement, with a concerted effort by agencies to raise standards of education, health, services public facilities and training opportunities.

- 8.6 In addition, the North-East Sub Regional Framework of the London Plan indicates that the application site is on the northern edge of the Isle of Dogs Opportunity Area. Policy 2A.5 'Opportunity Areas' states that planning frameworks should set out a sustainable development program that, amongst other things, will contribute to exceeding minimum guidelines for housing and delivering good design.
- 8.7 Policy 3B.3 'Mixed Use Development' indicates that in the CAZ and the north of the Isle of Dogs Opportunity Area, any increases in office floorspace should be accompanied by a mix of uses including housing.
- 8.8 In respect of local policy, the LBTH UDP 1998 identifies the site as falling within the Central Area Zone. Strategic Policy ST12 seeks to encourage the availability of and accessibility to a range of recreational, cultural and leisure facilities within the central area zone. Policy CAZ1 states that a balance of central London core activities, of a scale and type that is compatible with London's role as a financial, commercial and tourist centre, will be encouraged (courts, government departments, embassies, commodity markets/companies/corporations, media, galleries/museums, cinemas/stadia/halls/theatres, hotels and educational establishments).
- 8.9 Whilst the UDP makes no reference to residential development in the Central Area Zone, the Council's most up-to-date statement, the Interim Planning Guidance (IPG), does. In the IPG, the application site falls outside the Central Activity Zone. Although, it is designated as development site 'ID58' in the IPG (and the Isle of Dogs AAP), for a residential-led, mixed-use development. Policy CP8 'Tower Hamlets' Global Financial and Business Centre and the Central Activities Zone' recognises that parts of the borough play a strategic and international role as a global financial and business centre. Therefore, the Council will amongst other things, encourage office development and employment opportunities in the north of the Isle of Dogs. It should be noted that the Policy also indicates that new housing may be appropriate where it is not proposed in Preferred Office Locations and does not replace viable office sites.
- 8.10 Pursuant to CP19 'New Housing Provision' of the IPG, the Council will seek to address housing need by directing all required housing provision to brownfield sites that are appropriate. The only circumstances where this will not be supported are in instances where sites are identified for alternative uses including employment, open space, community/social facilities. The IPG states that population growth and housing delivery will continue to be a key driver of change in the Borough with the Isle of Dogs (as well sites specifically allocated for housing as is the case for the subject application) being identified as being one of the areas where the Council will seek to accommodate the majority of housing growth.
- 8.11 A review of national, regional and local policy above indicates that there is a presumption in favour of considering residential development within a mixed use scheme on this site. This is explicit in the IPG and the London Plan. Although, the UDP implies that landuses other than residential development take priority in the CAZ, there is an emphasis on seeking compatible uses rather than exclusion of any particular one.
- 8.12 Furthermore, there are approvals for residential-led, mixed-use developments in this area, some since the adoption of the UDP in 1998, and in some cases, since the original London

Plan adoption in 2004 and the IPG (formerly Council's Local Development Framework Core Strategy 2006 as well as the Isle of Dogs Area Action Plan 2006). Such schemes include the following (see locality map below):

- Phase II Electron Building, Aspen Way – Application PA/04/973 was granted on 08 December 2005 for buildings containing 437 residential flats and 229sqm commercial floorspace;
- 'No. 1 The Gateway' being land bound by Poplar High St, Preston's Road and Poplar Business Park – application PA/04/510 was granted on 13 March 2006 for 243 residential units, 1,084sqm retail;
- Building C New Providence Wharf – The first application PA/00/267 was granted 22 June 2001 for 735 residential units, 29,500sqm hotel, 42600sqm office plus retail, restaurant, health club and car parking; a second application PA/06/2101 was granted 31 January 2008 for 484 residential flats, 323sqm retail, and 948sqm fitness club;
- Building D New Providence Wharf – The first application PA/03/1387 was granted 06 October 2004 for 257 flats and 86sqm A1/A2/A3/B1 use; a second application PA/04/1858 was granted 06 October 2004 for 257 flats, 210 room hotel, and 86sqm A1/A2/A3/B1 use;
- Poplar Dock – The history in section 4 of this report indicates approvals for residential development since 1997 with the most recent application being approved in January 2001 (PA/99/1540);
- 'The White Swan', Yabsley Street - Application PA/01/1323 was granted 20 December 2002 for 113 residential units and 154sqm A3 use;
- Alberta House – Application PA/07/241 was granted 20 September 2007 for 133 residential units, 47sqm retail A1/A3 and 26sqm community D1 uses; and
- Reuters/Blackwall Yard – Application PA/03/1515 was granted 15 July 2005 for 708 residential units, plus D2 leisure, a non-residential institution D1, Business B1a and retail A1/A2/A3 uses.



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. Members were previously concerned about the amount of development on the site and in this regard, it is noted that the number of residential units have increased from 397 to 414 units (from 940 to 1023 habitable rooms).
- 8.14 Subsequently, the proposal is equivalent to 2557.5 habitable rooms per hectare. This is compared to 2350 habitable rooms per hectare in the original version of this scheme as well as 2633 habitable rooms per hectare of PA/08/274. All three variations have been 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); and
- LBTH Interim Guidance: 650-1100 habitable rooms per hectare in PTAL 4-6 in northern isle of Dogs area.

8.15 Although the density is in excess of the range of the London Plan and IPG, it is considered acceptable for the following reasons:

- There are no significant impacts identified for neighbours for example, overshadowing, microclimate (wind), loss of outlook, loss of privacy;
- There are no significant impacts identified for future residents including noise and air quality as discussed later in section 8 under 'Amenity for future occupiers';
- There are no symptoms of overdevelopment for example, poor design (see 'Design', insufficient floorspace for residential accommodation, inappropriate housing mix (See 'Housing');
- The scheme is of high architectural quality (See 'Design');
- Tall buildings are appropriate in this location (See 'Design');
- The scheme has acceptable access to public transport (See '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 (See 'S106 planning contributions'.

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 It should also be noted that the Mayor was supportive of the density in his Stage 1 response. In the conclusion of the report, the scheme's density was considered to be 'compliant' with the London Plan and no changes were recommended to the scheme in this regard.

8.19 In addition, high density schemes in excess of the nominated range have been approved in the immediate vicinity. For example:

- No.1 The Gateway (PA/04/00510) - 2259 habitable rooms per hectare;
- Building C, New Providence Wharf (PA/06/2101) - 1256 habitable rooms per hectare;
- Alberta House (PA/07/241) – 1300 habitable rooms per hectare; and
- Electron (PA/04/973) – 1196 habitable rooms per hectare.

8.20 Therefore, on balance, the density is considered acceptable given that the proposal poses no significant impacts and is appropriate to the area context.

Housing

8.21 In response to Member's concern about the amount of development proposed and the effect of this on the future occupiers, especially families, the applicant has undertaken to amend the scheme to address this concern. Firstly, family-sized affordable housing has been removed from the scheme and replaced with non-family sized units. Table 1 shows the new unit mix of 414 units on site.

Table 1 – On-site unit mix (414 units)

	Market Housing			Affordable Housing					
	Private Sale			Intermediate			Socially Rented		
Unit Mix	Unit No	Unit %	LDF %	Unit No	Unit %	LDF %	Unit No	Unit %	LDF %
Studio	66 (66)	19%	25%	10 (10)	17%	0	0	0	0
1 Bed	87 (174)	25%	25%	21 (42)	35%	37.5 %	2 (4)	2%	20%
2 Bed	149 (447)	43%	25%	29 (87)	48%	37.5 %	7 (21)	8%	35%
3 Bed	43 (172)	13%	25%	-	-	25%		90	30%
4 Bed	-	-							10%
5 Bed	-	-							5%
Total	345 (859)	100%	100%	60 (139)	100%	100 %	9 (25)	100 %	100 %

8.22 Secondly, to off-set the loss of family-sized affordable housing on-site, a financial contribution in-lieu (£12.857m) is proposed for the off-site provision of the family-sized affordable housing. Table 2 shows an indicative unit mix for the purposes of calculating the financial contribution. Two scenarios are shown in the table. Version 1 is for securing solely 3 bedroom dwellings and Version 2 is for securing a mix of 3, 4 and 5 bedroom dwellings.

Table 2 – Unit Mix for calculating off-site contributions

	Market Housing			Affordable Housing								
	Private Sale			Intermediate			Socially Rented			Socially Rented		
							V.1*			V.2*		
Unit Mix	Unit No	Unit %	LDF %	Unit No	Unit %	LDF %	Unit No	Unit %	LDF %	Unit No	Unit %	LDF %

Studio	66 (66)	19%	25%	10 (10)	17%	0	0	0	0	0	0	0
1 Bed	87 (174)	25%	25%	21 (42)	35%	37.5 %	2 (4)	2%	20%	2 (4)	3%	20%
2 Bed	149 (447)	43%	25%	29 (87)	48%	37.5 %	7 (21)	8%	35%	7 (21)	11 %	35%
3 Bed	43 (172)	13%	25%	-	-	25%	71 (299)	90	30%	37 (185)	58	30%
4 Bed	-	-							10%	12 (72)	18 %	10%
5 Bed	-	-							5%	6 (42)	10 %	5%
Total	345 (859)	100%	100%	60 (139)	100%	100 %	80 (324)	100 %	100 %	64 (324)	100 %	100 %

8.23 The key aspects of the revised proposal are discussed in detail below.

Financial contribution for off-site provision of family-sized affordable housing

8.24 Pursuant to Policy HSG3 of the LBTH Interim Planning Guidance, the Council will consider the off-site provision of affordable housing or a financial contribution (commuted sum) where an appropriate alternative site has been identified which the Council considers will be a better outcome than providing the affordable housing on site.

8.25 In this revised application, the applicant proposes a financial contribution in-lieu, rather than bringing forward a second site to accommodate the affordable housing. This approach is compliant with Policy HSG 3 and provides the Council with funding to secure affordable housing, rather than reliance on the applicant to bring it forth. The Housing team support this approach, citing the following potential advantages, namely:

- Family housing at a lower density;
- Family housing with lower service charges;
- Family housing where there are established services and infrastructure;
- Family housing bought or developed on existing estates where there is an established management operation and caretaking facility; and
- Potential scope to provide family housing on a borough-wide basis i.e. in more than one location rather being limited to a site secured by an applicant.

8.26 In respect of securing an appropriate sum, the Council's Housing Team have considered the illustrative mix Version 1 and Version 2 in Table 2 and find it acceptable. Based on this mix, the financial contribution recommended is £43k per habitable room, being equivalent to the average new-build purchase price for a 3 bedroom, 5 person dwelling in the borough. Based on a total of 299 habitable rooms in both the Version 1 and Version 2 mix,

a total contribution of £12.857m has been agreed with the applicant and is considered acceptable. The money will be administered by the Section 106 Planning Contribution Officer of Development Schemes to the Housing Team to spend on delivery of family-sized affordable housing.

- 8.27 In respect of the second requirement of policy HSG3, namely, the delivery of affordable housing on an alternative site, this will be guided by the LBTH 'draft 2009-2012 Housing Strategy'. The strategy was adopted by Cabinet at its December 2008 meeting.
- 8.28 The priorities for the strategy include: increasing family housing particularly in the social rent tenure; and meeting the London Plan target for homes on an annual basis up to 2016-17. The strategy expresses the Council's housing agenda and commitment to delivering housing to meet the needs of residents including social housing for families.
- 8.29 In terms of delivery, a key priority site is the Blackwall Reach Regeneration Project. The Blackwall Reach Development Framework, approved in March 2008 by Cabinet, is intended to supply between 2,500-3,000 homes as well as open space, commercial, community, education and leisure space. The Trafalgar Way commuted sum will contribute additional family sized affordable housing provision at Blackwall Reach.
- 8.30 Tying the commuted sum to the Blackwall Reach Regeneration Project addresses the issues underlying policy HSG3:
- Geographically relevant: Trafalgar Way and Blackwall Reach sites are in very close proximity thereby addressing as much as possible the objective of creating balanced and mixed communities and avoidance. Furthermore, the sites are in the same ward of 'Blackwall and Cubitt Town', meaning that affordable housing and s106 contributions relate to a single area;
 - Demonstrates housing additionality: This will be demonstrable as Blackwall Reach has already established the distribution of unit numbers and tenures across all the phases 1a, 1b, 2, 3 and 4;
 - Timely: The potential commencement dates for construction of the schemes is suitably proximate, with construction of Blackwall Reach estimated to commence by late 2010 [Phases 1a and 1b];
 - Certainty: Since the approval of further funding by Cabinet in its July 09 meeting, there is sufficient certainty of the Blackwall Reach development coming forward and therefore, sufficient certainty that the commuted sum will deliver affordable housing; and
 - Security: There is added security of delivery with the landowner/developer being LBTH in partnership with the Homes and Communities Agency (HCA).
- 8.31 In terms of the quantum of affordable housing nominated in HSG3, LBTH Planning and Housing colleagues are confident that the package of planning contributions has been maximised, having had the economic viability of the Trafalgar Way scheme independently assessed.
- 8.32 In the event that monies are not directed to the Blackwall Reach Regeneration Project, it is recommended that they be direct to other projects in the draft 2009-2012 Housing Strategy including the Local Homes Initiative. This initiative is whereby the Council, in partnership with RSLs and Tower Hamlets Homes, will identify specific sites for the delivery of affordable housing.
- 8.33 Overall, it is considered that the proposal has addressed the requirements of Policy HSG3, that the in-lieu contribution is sufficient and there is certainty of delivery of the off-site affordable housing by the Council. The offsite provision of the family-sized affordable is considered to be a positive and desirable means of addressing Member's concerns about the amenity for future residents, especially families. Following discussions with officers from the GLA, it is understood that they will support this approach, now that they are

clearer about its operation.

Affordable Housing and split

- 8.34 Policy 3A.9 of the London Plan sets the strategic target that 50% of all new housing provision should be affordable. In addition, Policy 3A.10 encourages councils to have regard for the need to encourage rather than restrain residential development, as well as the individual circumstances of a site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.
- 8.35 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.
- 8.36 As discussed above, in response to members concerns, the mix of units has been modified by removing the family-sized affordable housing. Table 1 shows the actual unit mix on site and table 2 is the illustrative mix for the purposes of calculating the financial contribution.
- 8.3 In respect of on-site provision, the scheme would provide 16% affordable housing (69 units, equating to 164 habitable rooms). Although, it should be emphasised that equivalent to 35% affordable housing will be achieved overall, based on the illustrative mix of Table 2. The provision comprises of the in-lieu financial contribution for family sized housing off-site as well as providing 69 non-family units on-site. This is 5% more affordable housing than the 30% provision of the original version of this scheme as well as the earlier application PA/08/274 (committee reports **attached**). Therefore, the revised scheme is a better outcome as the affordable housing offer is considerably larger and policy compliant.
- 8.38 Furthermore, it responds to Member's concerns by removing a significant component of family-sized affordable housing from the Trafalgar Way site in favour of a financial contribution for its off-site delivery by the Council. Therefore, the scheme is in accordance with CP22 which seeks affordable housing to achieve balanced and mixed communities and Policy HSG3 which allows for off-site provision of affordable housing which is more appropriate to need and results in a better outcome.
- 8.39 In respect of affordable housing split and pursuant to the London Plan Policy 3A.9 affordable housing target of 50%, 70% of this should be social rent and 30% should be intermediate rent.
- 8.40 Policy CP22 of the Council's IPG requires an 80:20 split between social rented and intermediate housing.
- 8.41 In further reference to Table 1, the on-site affordable housing provision achieves a 26:84 split in favour of intermediate housing. However, it should be emphasised that planning contributions for off-site provision of family-sized affordable housing achieves equivalent to a 70:30 split in favour of social rent as per Table 2.
- 8.42 It is considered appropriate to give greater emphasis to the overall split given that PPS3 and the London Plan consider affordable housing provision and need at a regional level rather than a site-by-site basis. Furthermore, Policy 3A.10 of the London Plan indicates there is a need to encourage rather than restrain development as well as to have regard for the individual circumstances of the site. It is in direct response to Member's concerns about site circumstances that the applicant has removed family-sized affordable housing thus altering the on-site affordable housing split which was previously policy compliant (70:30).
- 8.43 Overall, the scheme is considered to address policy 3A.9 and 3A.10 of the London Plan as

well as CP22 of the IPG in providing a suitable affordable housing split to address housing need especially in the social rent tenure, whilst responding to the site circumstances.

Unit mix

- 8.44 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*”.
- 8.45 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.”
- 8.46 Pursuant to Policy HSG7 of the LBTH UDP 1998, 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. Exceptions to this policy apply where family housing is proposed in locations where physical conditions are unsuitable for family dwellings, as in the case of 2 Trafalgar Way, which is a small and therefore, constrained site.
- 8.47 Policy HSG 2 of the LBTH IPG seeks an appropriate mix of housing including family housing. The required mix based on units size and tenure is set out within Table 2. A more convenient summary of family sized housing requirements is provided in table 3 below. It includes a comparison to original version of the application as well as the family housing achieved across the entire borough as published in the Annual Monitoring report 2006-7.

Table 3 – Family housing provision

Tenure	% Policy req't	% Original scheme PA/08/1321	% Revised V.1	% Revised V.2	% Annual Monitoring 2006-7
Social-rented	45	75	89	86	17.5
Intermediate	25	5	0	0	2.5
Market	25	17	12	12	4.1
Total	30	24	23.5	20.9	7.1

- 8.48 For intermediate housing the policy requires 25% family housing and the scheme provides 0%. For social-rent housing, 45% is required and 86-89% is provided. In the market housing, 25% is required and 12% is provided. The overall family housing provision in the scheme is 20.9%.
- 8.49 Whilst short on of the nominated percentages in the market and shared ownership tenures, this should be considered within the following context:
- The difficult site context which is small and therefore, constrained;
 - The need to balance housing provision with other necessary planning contributions;

- The comparatively high proportion of family housing in the social rent tenure;

8.50 In addition, the scheme exceeds the amount 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 to better cater for housing need. Overall, it is felt that the family housing offer is the best possible compromise.

Wheelchair Housing and Lifetime Homes

8.51 Policy HSG9 'Accessible and Adaptable Homes' of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or "easily adaptable" standard. A total of 10.1% (42 units) is provided, in compliance with this policy.

Floorspace Standards

8.52 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.

8.53 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

8.54 Pursuant to PPS3, paragraph 16 states that, the matters to consider, when assessing design quality in 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". Further still, 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".

8.55 Policy HSG 16 'Housing Amenity Space' of the adopted UDP 1998 requires schemes to incorporate adequate provision of amenity space. The Residential Space SPG 1998 sets the minimum space criteria. Similarly, Policy HSG7 'Housing Amenity Space' of the IPG sets minimum criteria for private as well as communal and children's playspace. It should be noted that the policy states that, variation from the minimum provision of communal space can be considered where the Council accepts the provision of a high quality, useable and public accessible open space in the immediate area of the site (It being noted that this situation is proposed, involving the upgrade to an open space adjacent to site and Poplar Dock). The amenity space standards of the UDP and IPG are summarised below.

Residential Space SPG 1998 requirement

Tenure	Proposed	SPG Requirement	Total (m²)
Family Units	43	50sqm of private space per family unit	2,150
Non-family units	371	50sqm plus an additional 5sqm per 5 non-family units;	421
Child Bed spaces	75	3sq.m per child bed space	225

Total			2,796
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Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	76	6	456
1 Bed	110	6	660
2 Bed	185	10	1850
3 Bed	43	10	430
4 Bed	-	10	-
5 Bed	-	10	-
TOTAL	414		3,396
Communal amenity			
		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	454
Total Housing Amenity Space Requirement			3850

- 8.56 A total provision of approximately **3373sqm** amenity space is achieved on site by the following components:
- 2473sqm is private amenity space for the residential C3 flats in the form of balconies;
 - 420sqm of communal amenity space at podium level (excluding brown/green roofs);
 - 380sqm of children's play area;
 - 100sqm of outdoor space relating to the crèche;
- 8.57 Although there is a shortfall in amenity space based on the requirements of the interim planning guidance, it is considered that this will be off-set by the 2550sqm of open space adjacent to the site at Poplar Dock which will be improved using planning contributions secured as part of this scheme. Importantly, all flats benefit from a private balcony. Furthermore, the shortfall in private amenity space is considered to be outweighed in general by the range and quality of amenity spaces proposed which will be practical and useable, contributing to the amenity of future occupiers. The podium level amenity spaces including children's play space are considered to be desirable, being readily accessible for users and benefiting from maximum solar access and desirable outlook onto Poplar Dock to the south. Finally, the communal amenity space provision is well above the level sought by Policy HSG7 of the IPG, thereby offsetting the shortfall in private space provision.
- 8.58 It is further noted that 225sqm of child play space is required by the SPG which is exceeded in the scheme which achieves a total of 480sqm in the form of a dedicated play space at podium level as well as 100sqm of outdoor play area associated with the crèche, also at the podium level.

Design

Introduction

- 8.59 Guidance in the form of policy, as well as approved schemes nearby, guides the design considerations of this scheme. It should be noted that there are no external changes posed as part of the revision to the application.
- 8.60 As discussed in the previous report to Committee, 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.

- 8.61 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.
- 8.62 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

- 8.63 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"*
- 8.64 Accordingly, local and regional tall buildings policies 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.
- 8.65 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; and*
 - e) not create unacceptable impacts on social and physical infrastructure"*
- 8.66 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; and
 - 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.

- 8.67 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.
- 8.68 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'.
- 8.69 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.
- 8.70 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.
- 8.71 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 to 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.”*

- 8.72 Points 1, 2, 8, 10, 12, 14, 15, 19, 20 and 21 have been addressed in the considerations of CP 49 tall Buildings.
- 8.73 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.
- 8.74 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.
- 8.75 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.
- 8.76 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.
- 8.77 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.
- 8.78 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.
- 8.79 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.
- 8.80 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 Arborculturalist have raised no objections to the scheme subject to various conditions, informatives and s106 heads of terms.
- 8.81 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.
- 8.82 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.

- 8.83 In respect of 23, the proposal is considered to be within the capacity of the area.
- 8.84 In respect of 24, the proposal makes a financial contribution to funding works to the Preston's Road roundabout. This will improve pedestrian links in the surrounding area and especially links to nearby Blackwell DLR station.
- 8.85 In respect of 25, the above monies will contribute to linking the development into the wider area and further afield 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.
- 8.86 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;
 - Previously, no objections have been raised by London City Airport and the National Air Traffic Services Ltd (NATS). The external design and height is unchanged in this revision;
 - 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.
- 8.87 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.
- 8.88 It is concluded that the principle of a tall building is supported on this site having regard to local and regional policy.

External Appearance

- 8.89 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

- 8.90 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.

- 8.91 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.
- 8.92 An objection was received from English Heritage in response to the previous version of the scheme. 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.
- 8.93 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.
- 8.94 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.
- 8.95 Within the EIA, Figures 11.4 and 11.5 visually quantify the change in view from St Anne's 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.
- 8.96 As demonstrated in this section and under 'Tall Buildings', the possible impact to St Anne's 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.

8.97 Therefore, the proposal is considered to have been adequately assessed in terms of its potential impact to St Anne's. The proposal is not considered to have a significant detrimental impact on St Anne's 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.

8.98 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

8.99 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.

8.100 Although Maritime Greenwich has not commented on the subject scheme, they objected previously to the withdrawn application PA/08/274. They raised 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.

8.101 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.

8.102 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.

8.103 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.

8.104 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.

8.105 The previous objection by the Maritime Greenwich World Heritage site is necessarily concerned with the last three points.

8.106 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.

8.107 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.

8.108 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

8.109 Pursuant to national policy, PPS1 'Delivering Sustainable Development' states that, with good planning, we get the right development that makes a positive difference to people's lives (paragraph 1). The core principle underpinning this is a sustainable development approach which has the simple idea of ensuring a better quality of life for everyone, now and in the future (paragraph 3).

8.110 PPS3 'Housing' is the framework for delivering the governments housing objectives. In respect of amenity, one of the objectives of this policy is to ensure the delivery of high quality homes and sustainable communities (paragraph 9), planning authorities should have regard to this in deciding applications, as well as taking into account relevant regional and local policies (paragraph 68).

8.111 Pursuant to regional policy, The London Plan (Consolidated 2008), 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', consider the need to ensure amenity for future occupiers and users.

8.112 Pursuant to local policy, the adopted UDP 1998, Policy DEV2 states that all development should seek to protect the amenity of residential occupiers.

8.113 In respect of the Council's IPG 2008, Policy CP1 requires, amongst other things, that all new development achieves the highest quality of design, the highest level of amenity and

improves liveability. Policy CP3 ‘Sustainable Environment’ indicates, amongst other things that, as part of assessing applications, the Council will take into account potential impacts of development. CP4 ‘Good Design’ and DEV1 ‘Amenity’ seek to improve amenity.

- 8.114 In consideration of the original version of this scheme at the October 2008 Strategic Development Committee meeting, as well as the previous case PA/08/274 in the May 2008 meeting, Member’s expressed concerns in respect potential impacts to future residents, in particular, noise and air quality. Since that time, the applicant has provided further assessment and clarification to the Environmental Statement in order to provide comfort to Members that their concerns have been fully explored. Whilst the final details of noise and air quality mitigation measures would be normally conditioned, the applicant has acknowledged Member’s concerns and has provided details of mitigation.
- 8.115 Concurrently, additional information in respect of the policy background, baseline situation and details of the assessment undertaken in the Environmental Statement (ES) are summarised in this report as further comfort. Whilst a full range of potential impacts to future occupiers and users have been considered, it should be noted that the particular emphasis of this report is in the areas where Members have concerns, namely, noise and air quality.

Noise impact

- 8.116 The noise impact on future residential occupiers was raised previously by Members. It is noted that the Environmental Statement, includes a full PPG24 noise impact assessment along with the consideration of a full range of environmental issues as reported later in section 8.
- 8.117 PPG24 ‘Planning and Noise’ is the overarching guidance for local planning authorities on the use of their planning powers to minimise the adverse impacts of noise. The aim of this guidance is to “...provide advice on how the planning system can be used to minimise the adverse impact of noise without planning unreasonable restrictions on development”.
- 8.118 As a general principle, noise can be a material consideration in the consideration of planning application. Whilst PPG 24 advises that one of the tasks of planning is to guide development to the most appropriate locations, it states that this will be hard to reconcile in some cases.
- 8.119 Although, PPG24 is not intended to preclude development. PPG24 states that local planning authorities “...should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise, through the use of conditions and planning obligations”. The individual circumstances of an application should be considered. As such, PPG24 is not considered to preclude the consideration of residential development on 2 Trafalgar Way in principle. This is further supported by the inference that can be drawn from the ‘Development Control’ section which refers to the use of planning conditions to ensure noise effects are mitigated “where it is proposed to grant permission for noise-sensitive development in areas of high ambient noise”.
- 8.120 PPG24 also introduces a concept of Noise Exposure Categories (NECs) ranging from A, B, C and D. An NEC A represents a situation where noise is unlikely to be a determining factor; categories B and C are situations where mitigation may make development acceptable; and category D indicates the situations in which development should normally be refused. The noise levels in each category are reproduced in table 4 below.

Table 4: NECs for dwellings – LaeqT dB

Noise source		A	B	C	D
Road	0700-	<55	55-63	63-72	>72

traffic	2300hrs				
	2300 – 0700hrs	<45	45-57	57-66	>66
Air traffic	0700-2300hrs	<57	57-66	66-74	>74
	2300 – 0700hrs	<48	48-57	57-66	>66
Rail	0700 – 2300hrs	<55	55-66	66-74	>74
	2300 – 0700hrs	<45	45-59	59-66	>66
Mixed	0700 – 2300hrs	<55	55-63	63-72	>72
	2300 – 0700hrs	<45	45-57	57-66	>66
All sources					

- 8.121 In addition to PPG24, there is a range of standards and guidance to consider in an assessment of noise impact.
- 8.122 The World Health Organisation (WHO) document 2000 reflects recent international research into the health effects of exposure to noise and subsequently, the guidance is reproduced in Table 5.

Table 5: WHO precautionary guidelines for noise levels

Specific Environment	Critical health effect(s)	dB LAeq,t	Time base Hours	dB LAmax,f
Outdoor Living area	Serious annoyance, daytime and evening	55	16	-
	Moderate annoyance, daytime and evening	50	16	-
Dwelling indoors	Speech intelligibility and moderate annoyance, daytime and evening	35	16	-
Inside bedrooms	Sleep disturbance, night-time	30	8	45
Playground	Annoyance (external source)	55	During play	-

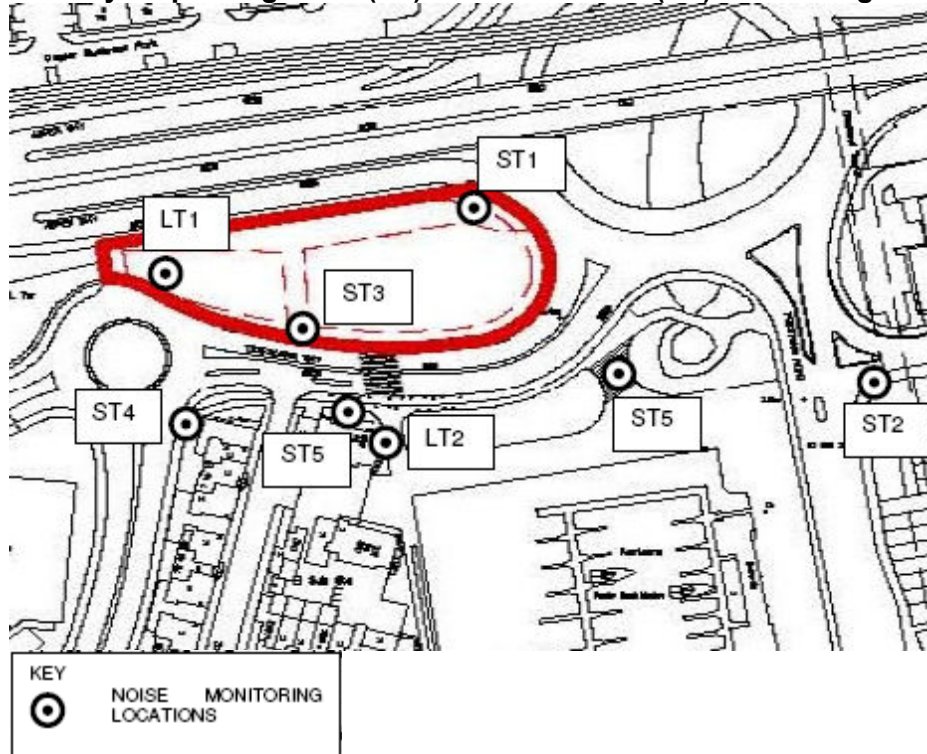
- 8.123 The WHO guidelines are broadly consistent with British Standard (BS) 8233: Sound Insulation and Noise Reduction for Buildings – Code of Practice (1999), in the consideration of indoor noise levels. See Table 6 below. In addition, BS8233 refers to the standards for acceptable noise levels in gardens and balconies. It is desirable not to exceed 50 LAeq,t db with 55LAeq,T db being the upper limit that can be accepted.

Table 6: BS8233 Indoor criteria

Criteria	Typical conditions	Design range	
		Good	Reasonable
Reasonable resting/sleeping conditions	Living rooms	30 dB LAeq,t	40 dB LAeq,t
	Bedrooms	30 dB LAeq,t	35 dB LAeq,t & 45dB LAmax,F

- 8.124 As part of the assessment of the existing noise levels affecting 2 Trafalgar Way, the Environmental Impact Assessment (EIA) identified the noise sources in the area, namely:
- Traffic noise from Aspen Way and Trafalgar Way;
 - Rail noise from the DLR;
 - Air traffic associated with London City Airport;
 - Traffic and operation noise associated with the MacDonalDs use; and
 - Operation noise and traffic from Billingsgate Market.
- 8.125 To establish the baseline, the EIA included Long Term noise monitoring (between 7 - 14days) as well as short-term (daily) noise monitoring at specific points as shown on the locality map below.

Locality map: Long Term (LT) and Short Term (ST) monitoring locations



- 8.126 It should also be noted that the impacts of the scheme on itself during the construction and operational phase (traffic, uses, mechanical ventilation, and mechanical plant) have been considered.
- 8.127 The EIA monitoring results are reported in the ES, which conclude that the site falls within NEC 'C' during the daytime and NEC 'D' during the night time. Consequently, it is necessary to demonstrate that acceptable noise levels can otherwise be achieved through appropriate mitigation in accordance with PPG24.
- 8.128 Following modelling of the impact on the scheme using these results, mitigation measures are recommended for internal and external spaces. By way of a crude summary for the subject scheme, noise mitigation measures will be focussed on the north-facing facades and amenity spaces with the level of mitigation reducing with height. The specific requirements for different parts of the scheme are discussed below.
- 8.129 In respect of the internal spaces of residential flats, the following mitigation is proposed:
- Triple glazed windows to floors 01 - 10 (i.e. thermally insulated Type 3 glazing '16.8/16/16.8', meaning a window comprising 16.8mm-thick pane of glass, then, a 16mm air gap, then, another 16.8mm thick pane of glass); and
 - Fixed un-openable windows and a mechanical ventilation system for the first 5 floors.

- 8.130 The combination of these measures will ensure that internal noise levels achieve equivalent to an NEC 'A' rating. Subsequent upper levels do not require mitigation as exposure to noise sufficiently reduces with height. Therefore, upper levels will have a lesser glazing specification, openable windows and a trickle (natural) ventilation system.
- 8.131 Illustrative information about possible mechanical ventilation and trickle ventilation systems that could be used in this scheme are contained in an appendix to this report.
- 8.132 In respect of private balconies and terraces of residential flats, mitigation will be achieved by enclosing these amenity spaces as winter gardens.
- 8.133 These measures will ensure that the noise levels are reduced below the maximum WHO guideline of 55dB LAeq,t for balconies.
- 8.134 Similarly, for the podium-level children's playspace, the 5.3m high transparent acoustic barrier will ensure noise levels are below the maximum WHO requirement of 55 dB LAeq,t. See Figure 1 below.

Fig.1: North elevation of podium-level playspace with acoustic barrier

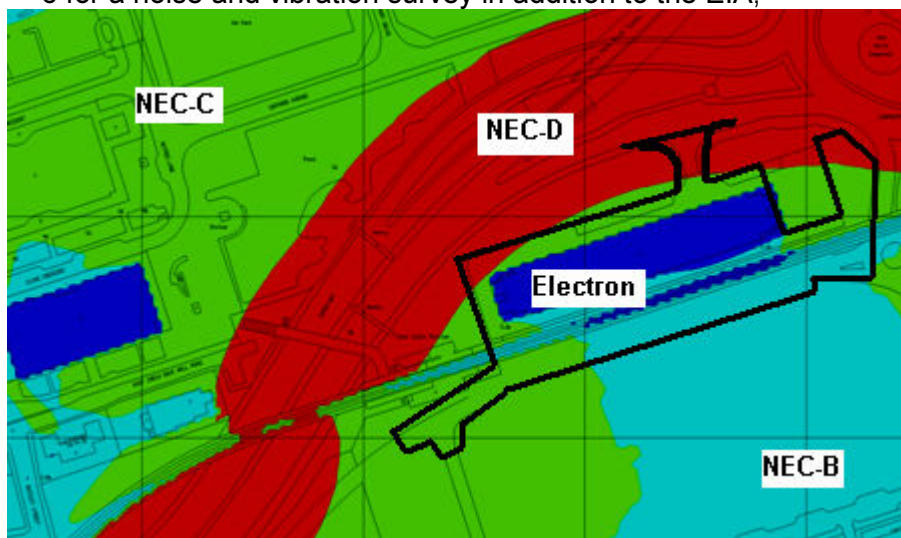


- 8.135 In addition, the mechanical plant within the podium level will be insulated to a level to comply with BS4142 'Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas'.
- 8.136 Notwithstanding the specific mitigation proposed, the site layout has sought to minimise the noise impact from the outset. There is emphasis in the design of orientating as many internal and external spaces as possible, away from noise sources to the north such as Aspen Way and the DLR. The broadest sides of the residential towers are oriented to the east and west whilst the ground and podium levels are oriented to the south. This layout reduces the full exposure to the noise sources to the north. Consequently, the level of mitigation that may have otherwise been needed is minimised. Consequently, the reduced amount of intervention with specific mitigation measures makes for a more desirable and enjoyable development for future residents.
- 8.137 Overall, the EIA demonstrates that noise impact has been given comprehensive consideration to the satisfaction of the Council's Environmental Health Team. Appropriate and reasonable mitigation measures have been identified to safeguard internal living areas as well as outdoor amenity spaces from unacceptable levels of noise, also agreed by the Environmental Health Team. Therefore, the scheme complies with PPG24 and other relevant guidance and standards which seek to minimise the adverse effects of noise. Thus, Member's can be confident that noise impact to future residents has been fully explored and resolved. As such, it is not considered to represent a sustainable reason for

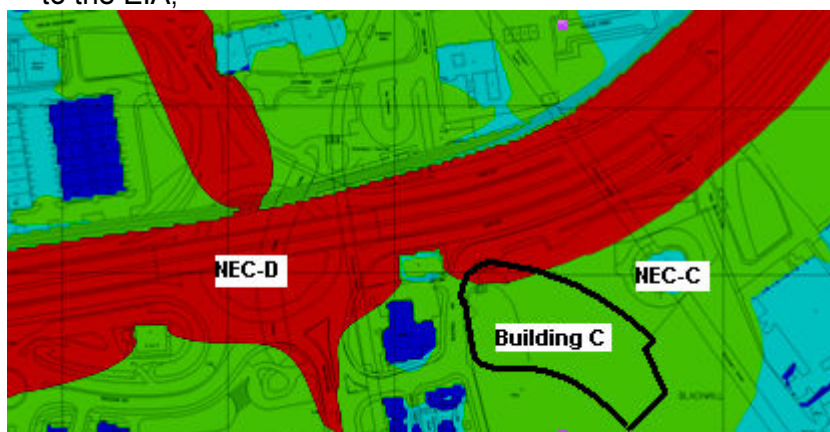
refusal.

8.138 In addition, as referred to in section 4 'Planning History', section 8 'Principle', it should be noted that the Council has already approved significant residential developments in this area. Whilst the individual site circumstances vary, the schemes share a common theme of a high quality design that has sought to maximise the development potential of the site whilst taking into account of the site constraints including a limited site area and the need to mitigating impacts, including noise. This is shown in a review of nearby residential developments in falling within and NEC C-D in the area (see the three noise contour maps below). All these schemes have windows and balconies facing Aspen Way and the DLR; that the noise impact encountered was not so severe as to necessitate a blank façade, or precluded development altogether. These schemes include:

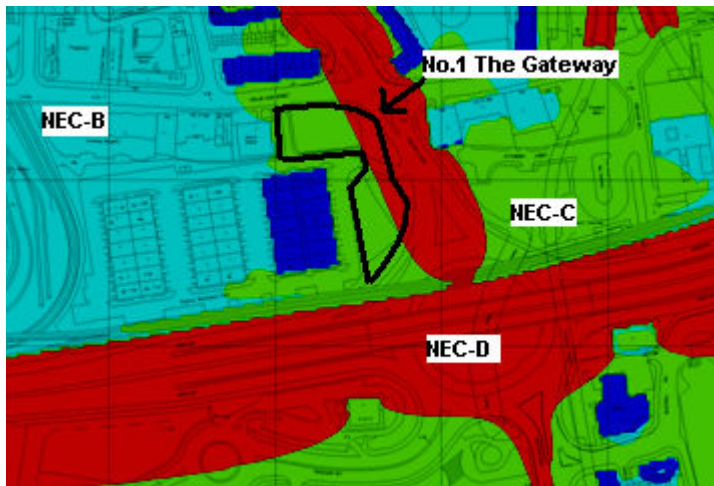
- Phase II Electron Building, Aspen Way (PA/04/973 approved 08 December 05) – the occupied development comprising of 1 x 25 and 2 x 22 storey buildings, containing 437 residential flats and 229sqm commercial floorspace, was required to discharge condition 6 for a noise and vibration survey in addition to the EIA;



- Building C New Providence Wharf (PA/06/2101 approved 31 January 2008) – Although it is yet to be built out, the scheme comprises of a part 12/44 storey building, comprising of 484 residential flats, 323sqm retail, and 948sqm fitness club. The scheme will be required to discharge condition 5 which requires a noise and vibration survey in addition to the EIA;



- 'No.1 The Gateway' being Land bound by Poplar High St, Preston's Road and Poplar Business Park (PA/04/510 granted 13 March 2006) – This scheme is nearing completion and occupation. It comprises of 1 x 13 and 1 x 25 storey buildings, 243 residential units, 1,084sqm retail. Noise impact reports for road and DLR noise were considered at the time of the assessment and no conditions were considered necessary.



8.139 Consequently, not only has the subject application dealt with noise impact and proposed appropriate mitigation measures, there is a consistent approach of the Council for supporting intensive residential development in this area with appropriate mitigation measures rather than an approach precluding development. This is all presented to offer further comfort to Member's that their concerns have been fully explored, that there are no unacceptable noise impacts posed to future residents to the satisfaction of the Environmental Health Team. Furthermore, that a recommendation for approval is consistent with previous decisions in this part of the borough.

Air quality impacts

8.140 The air quality impact to future residential occupiers was raised previously by Members. It is noted the ES includes an air quality assessment along with the full range of environmental considerations as reported later in section 8. This section of the report indicates the policy framework for consideration of air quality, the baseline situation at Trafalgar Way and the mitigation measures that will ensure future occupiers have a suitable level of air quality.

8.141 In respect of national policy, the 'Air Quality Strategy for England, Scotland, Wales and Northern Ireland' (AQS 2007) sets the framework to reduce adverse health effects from air pollution along with the Air Quality (England) Regulations 2002. In terms of pollution from road traffic, consideration is given for nitrogen dioxide (NO₂) and particulate matter (PM₁₀). NO₂ is a gas produced by the reaction between oxygen and nitrogen in combustion engines. PM₁₀ are small particles suspended in the air as a consequence of road transport. The Strategy and Regulations are summarised below.

Pollutant	AQS		AQS Objective	
	Concentration (ugm-3)	Ave period	Exceedence per year	Target date
NO ₂	200	1hr	18	31/12/2005
	40	Annual	-	31/12/2005
PM ₁₀	50	24hr	35	31/12/2004
	40	Annual	-	31/12/2004

8.142 Planning Policy Statement 23 sits within the pollution control framework of the Pollution Prevention and Control Act 1999 and the Pollution Prevention and Control Regulations 2000. In terms of planning, the PPS seeks to determine the appropriate location for development that may give rise to pollution as well as ensuring that proposed development is not affected by existing pollution sources as far as possible.

8.143 The abovementioned national policies are material considerations in the determination of planning applications. They also accord with EU air quality directives. It should be noted that

there are a raft of other complimentary guidance for air quality from different national and European bodies.

- 8.144 In respect of regional policy, The London Plan (Consolidated 2008), Policy 4A.19 'Improving Air Quality' states that, amongst other things, boroughs should consider air quality including its formal assessment, especially in air quality management Areas.
- 8.145 Pursuant to local policy, the UDP 1998 does not have any policies specifically deal with air quality. However, within the IPG 2008, Policy CP3 'Sustainable Development' seeks to improve the quality of the environment by, amongst other things, ensuring that developments minimise air quality impacts. It should be noted that the whole borough is declared an Air Quality Management Area (AQMA). An Air Quality Action Plan has been prepared and seeks to ensure development in the borough addresses the National Air Quality Strategy referred to above.
- 8.146 The assessment of the air quality for the subject application has used baseline-line 2007 data for Trafalgar Way in an empirical (mathematical) model. The model makes assumptions about factors like forecast traffic volumes, meteorological (weather) influences and the effect of the development upon itself E.g. traffic generation. The model is used to establish the level of air quality at different points (receptors) around the development as selected by the Council's Environmental Health Team. The locations of the chosen receptors are as follows:
- Podium level children's playspace;
 - Balconies with line-of-site to Aspen Way in Tower B, commencing at level 01;
 - North-facing terraces between the towers, commencing level 04; and
 - Internal rooms on the northern side commencing at level 01.
- 8.147 The assessment considered the AQS that needs to be achieved, as well as the air quality experienced at 2 Trafalgar Way. In addition, the results for air quality when mitigation measures are implemented.
- 8.148 Crudely, air quality improves with height and as such, mitigation measures are normally required at lower levels of the development. The assessment indicates that at above the first five residential floors the air quality at 2 Trafalgar Way meets the standard required. The specific requirements for mitigation at different parts of the development are discussed below.
- 8.149 The mitigation needed for internal rooms is a combination of fixed/unopenable windows and mechanical ventilation system for the first 5 residential floors. The remaining upper floors will have openable windows and a trickle (natural) ventilation system.
- 8.150 In respect of private balconies and terraces of residential flats, fixed unopenable glazing to create winter gardens on floors 01 – 05. For the first three residential floors, windows will be fixed, necessitating mechanical ventilation for those levels.
- 8.151 Balconies at higher levels do not require any form of enclosure for air quality mitigation purposes. Although, they will nevertheless be enclosed to mitigate noise impact as was discussed earlier.
- 8.152 The transparent acoustic barrier surrounding the children's play area will also serve to mitigate air quality impacts on this space.
- 8.153 As discussed previously under 'Noise impact' the building layout assists in minimising the impacts on future occupiers to some degree in the first instance, thereby minimising the mitigation that may have otherwise been required. Consequently, the reduced amount of intervention by the specific mitigation measures mentioned above makes for a more desirable and enjoyable development for future residents.

- 8.154 Therefore, the EIA demonstrates that air quality has been given comprehensive consideration to the satisfaction the Council's Environmental Health Team, Appropriate and reasonable mitigation measures have been identified to safeguard internal living areas as well as outdoor amenity spaces from unacceptable levels of air quality, also agreed by the Environmental Health Team. Therefore the scheme addresses the abovementioned national, regional and local policies which seek to ensure development minimises air quality impacts. Thus members can be confident that achieving suitable air quality for future residents has been fully explored and resolved. As such, it is not considered to represent a reason for refusal.
- 8.155 Furthermore, as discussed previously under 'Noise Impact', there is a history of approvals in this area for significant residential development. As previously pointed out, whilst, the individual circumstances vary, each scheme shares a common theme of being a high quality design that has sought to maximise the development potential of its site, whilst taking into account the constraints including a limited site area and the need to mitigate impacts, including air pollution.
- 8.156 Consequently, not only has the subject application dealt with air quality and proposed appropriate mitigation, there is a consistent approach of the Council supporting intensive residential development in this area that has appropriate mitigation, rather than the approach of precluding development. This is all presented to offer further comfort to Member's that their concerns have been fully explored, that there are no unacceptable air quality impacts posed to future residents to the satisfaction of the Environmental Health Team. Furthermore, that a recommendation for approval is consistent with previous decisions in this part of the borough.

Other amenity considerations

- 8.157 In addition to Member's concerns, and as reported previously reported to Committee, the scheme also addresses the following amenity consideration, thereby delivering a high quality environment for future occupiers:
- 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.
 - The provision of open space is in accords with the requirements of the Interim Planning Guidance and is considered satisfactory in this regard as discussed previously under 'Housing';
 - 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.
- 8.158 No other potential amenity impacts have been identified. Overall, taking into account all matters in an on-balance assessment, the amenity of future occupiers and users of the scheme is satisfactorily achieved and appropriate mitigation proposed to a suitable level of noise attenuation and air quality. The scheme accords with policies stated in this section which seek to protect the amenity of future occupiers. Therefore, there are no sustainable reasons for refusal in this regard.

Neighbour Impacts

- 8.159 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.
- 8.160 There are no significant neighbour impacts identified with the operation of the scheme. The overshadowing effects 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.

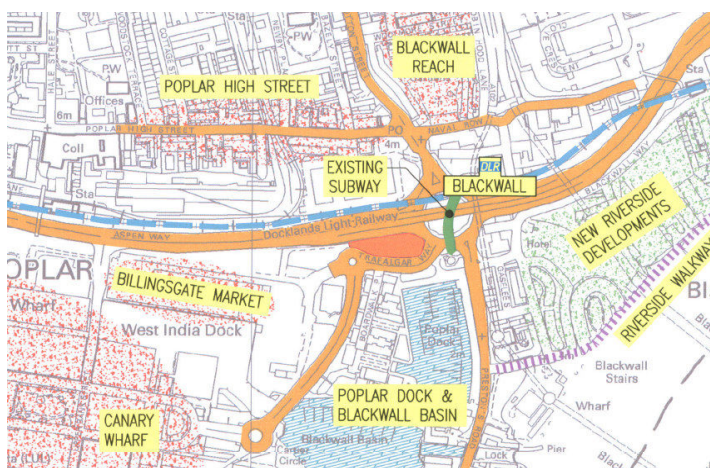
Transport

- 8.161 In consideration of national policy, PPG13 'Transport' seeks to integrate planning and transport from the national to local level. Its objectives include: promoting more sustainable transport choices; promoting accessibility using public transport, walking and cycling; and reducing the need for travel, especially by car. Both PPS1 'Delivering Sustainable Development' and PPS3 'Housing' seek to create sustainable developments.
- 8.162 Pursuant to regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', state that developments should be located in areas of high public transport accessibility. In addition to this criteria Policy 3C.1 'Integrating Transport and Development' also seeks to promote patterns and forms of development that reduce the need for travel by car. Policy 3C.2 advises that, in addition to considering proposals for development having regard to existing transport capacity, boroughs should "...take a strategic lead in exploiting opportunities for development in areas where appropriate transport accessibility and capacity exists or is being introduced". Policy 3C.19 'Local Transport and Public Realm Enhancements' indicates that boroughs (as well as TFL) should make better use of streets and secure transport, environmental and regeneration benefits, through a comprehensive approach of tackling adverse transport impacts in an area. In respect of Policy 3C.20 'Improving Conditions for Buses', the Mayor, TFL and boroughs will work together to improve the quality of bus services, including consideration of the walkways *en route* to bus stops from homes and workplaces, to ensure they are direct, secure, pleasant and safe.
- 8.163 In respect of local policy, the UDP 1998, Policy ST25 seeks to ensure new housing development is adequately serviced by public transport. Policy ST28 seeks to reduce unnecessary dependency on cars. Policy ST30 seeks to improve safety and convenience for all road users including cyclists and pedestrians. Policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with Policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with Policy T21.
- 8.164 Having regard for the IPG 2008, DEV17 'Transport Assessment' states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 'Travel Plans' requires a travel plan for all major development. DEV19 'Parking for Motor Vehicles' sets maximum parking levels pursuant to Planning Standard 3.

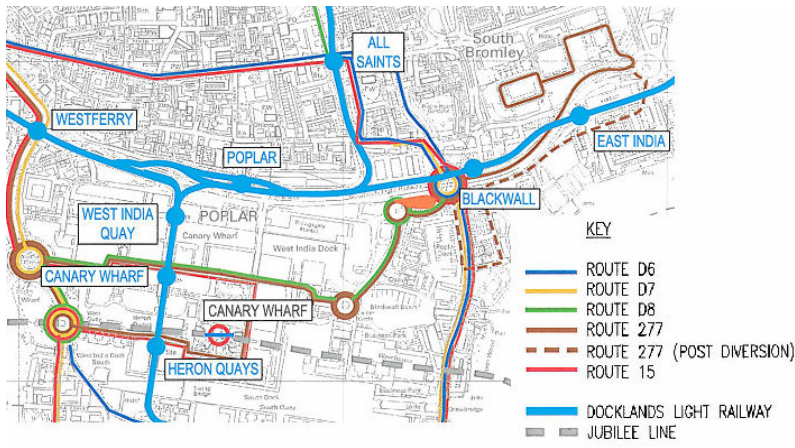
- 8.165 A Transport Assessment and Travel Plan document, produced by WSP Development and Transportation (Oct 07) was submitted in support of the scheme. It considers the accessibility of the site having regard to all available modes of transport in the surrounding area; it predicts the level of trip generation of the development in terms of different modes of transport, such as trips by car, DLR and walking; it assesses the effects of the scheme on the transport capacity of different modes in the area; it presents the sustainability strategy adopted for the scheme; and it also considers the servicing and refuse for the site. Of particular note is the Connectivity Report which considers the sites integration into the area.
- 8.166 In addition, a financial contribution of **£1,563,264** has been agreed for connectivity improvements to Trafalgar Way and Preston's Road roundabout. This will enhance the integration of this island site with the local area and its range of transport, facilities, and services. This responds to the concerns expressed by Members about the perceived isolation of this island site currently, notwithstanding the audit of pedestrian and cycling connections as part of the connectivity report.
- 8.167 Key aspects of the scheme are discussed below including the improvements in site connectivity.

Connectivity

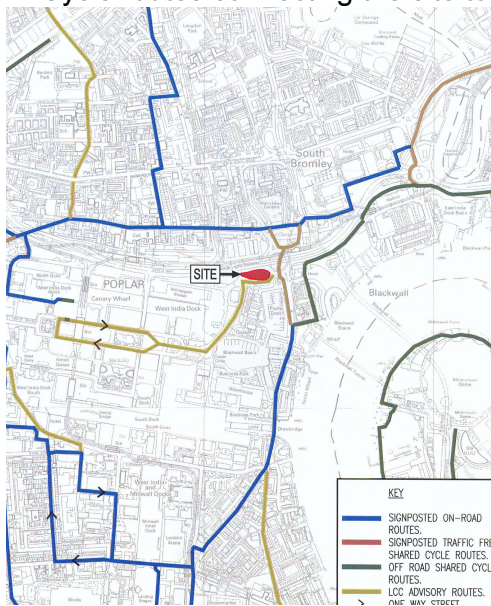
- 8.168 In the course of considering of the original version of this scheme in the October 2008 Strategic Development Committee meeting, as well as the previous case PA/08/274 in the May 2008 meeting, Member's expressed concern for the site's level of connectivity with the surrounding area, especially in light of the considerable amount of development proposed.
- 8.169 This section seeks to offer comfort to Member's that their concerns have been fully explored. A Connectivity Report was included in the Transport Assessment submitted in support of the application. It has examined the area context, the destinations of travel, the linkages between, and the potential improvements to them.
- 8.170 In respect of the area context, the illustrative plan below shows the significant barrier to north-south movement posed by Aspen Way.



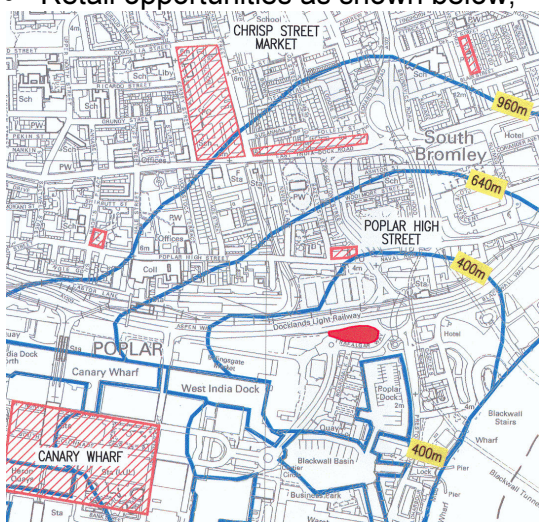
- 8.171 The Connectivity Report identifies the following destinations in the area that could be accessed by future residents of the scheme:
- Public transport services provided by DLR, London Underground and bus routes D6, D7, D8, 15 and 277 which are available in the area as shown below;



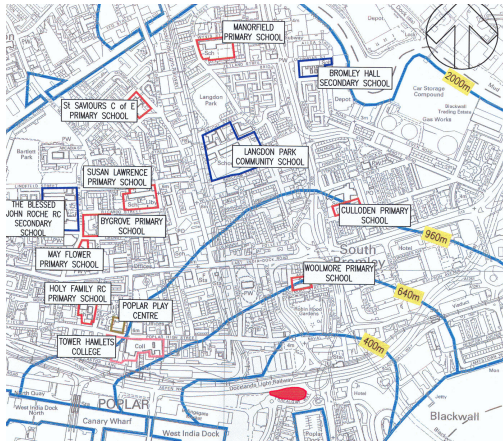
- Cycle routes connecting the site to greater London shown below;



- A future Crossrail station which could be within 0.5km of the site;
- Retail opportunities as shown below;



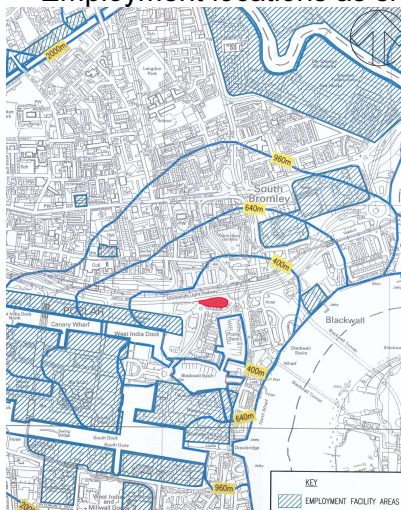
- Education locations as shown below;



- Healthcare locations as shown below;



- Employment locations as shown below;



- Recreation opportunities in locations shown below;



8.172 The above analysis indicates that a large number destinations are within walking distance of the application site:

- Public transport (Bus 0.3-0.4km; Underground 0.4-1km; DLR <0.4km)
- Schools (Primary 0.4-0.6km; Secondary 1-1.5km)
- Playground (0.4-0.6km)
- Playing fields/Park (0.8-1km)
- Shops (Local 0.4-0.8km; District centre 1.5-2km)
- Healthcare (Centres 0.8km & 1km; Hospital 5km)

8.173 Given that a majority of destinations are to the north, improving north-south connectivity is a priority

8.174 The Connectivity Report includes a comprehensive audit of pedestrian and cycle connectivity in all directions has been undertaken. In summary:

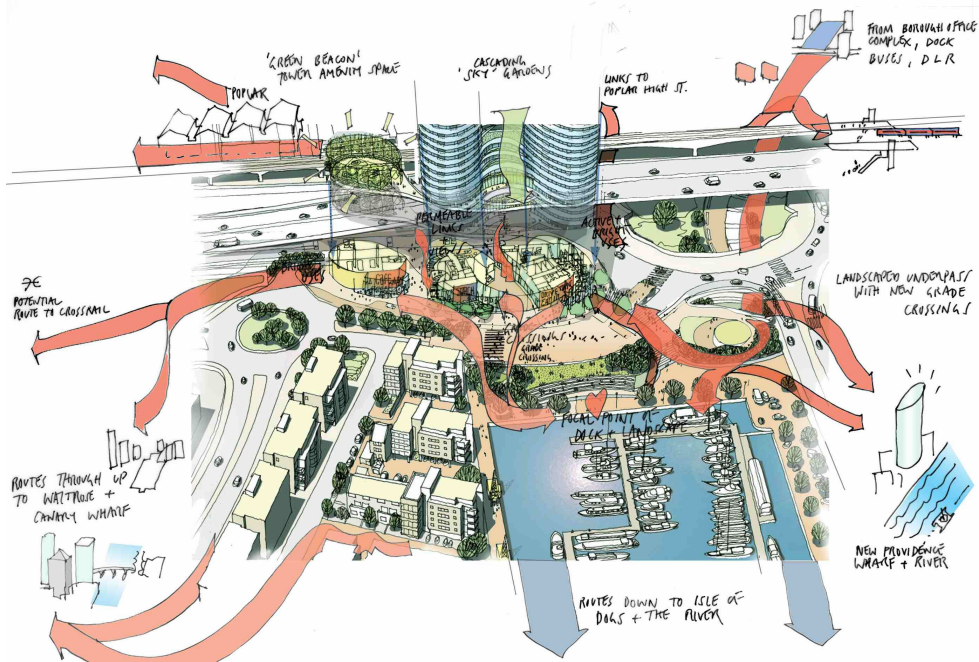
- The report considers the site has excellent connectivity to the south towards the Isle of Dogs as well as to Poplar Dock, Blackwall Basin and South Dock;
- In terms of northbound routes: the key destination is Polar High Street which can be reached in four to five minutes on foot by a route that is assessed as having good quality; London Cycle Network routes provide links to City of London, Hackney and Royal Docks; although, pedestrian links could be enhanced by at-grade crossing on Preston's Road roundabout;
- For eastbound routes: there is good connectivity to Blackwall DLR and Mulberry Place; the subway system is well maintained although there are obvious benefits if an at-grade crossing was created; although, it is suggested that this would only result in minimal reduction in travel times to destinations in comparison the existing subway system nevertheless, the benefits are more to do with personal security particularly for night time usage; and
- For westbound routes: there is generally good connectivity to the Canary Wharf Estate which has numerous pedestrian points and excellent security; pedestrian and cycle connections could be significantly enhanced by measures along Trafalgar Way,

immediately adjacent the application site; cycling opportunities to the west along Trafalgar Way and Poplar High Street are available.

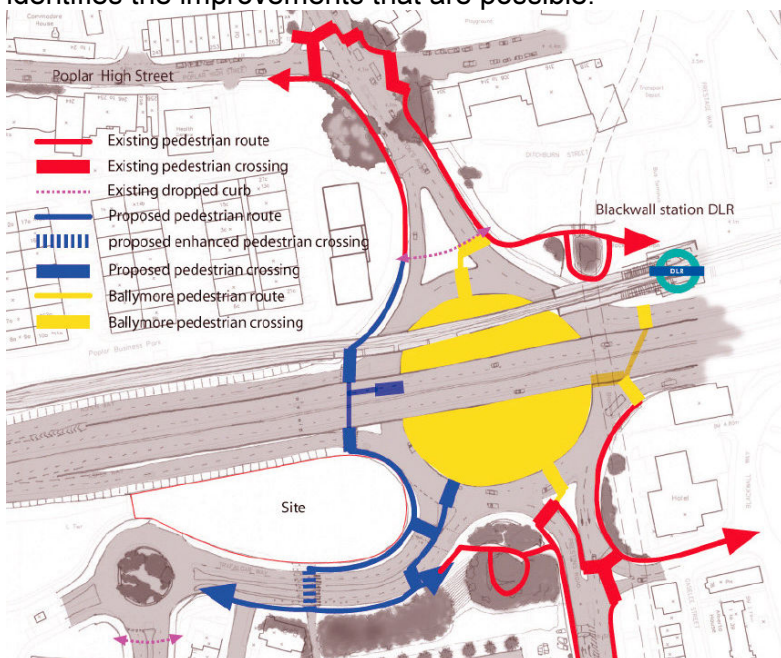
8.175 The connectivity improvements recommended by the report relate to pedestrian connections across Trafalgar Way and Preston's Road roundabout. To this end, the applicant has agreed to a planning contribution of **£1,563,264** to fund these works.

- 8.176 In terms of the upgrade to Trafalgar Way, this involves:
- Construction of a raised table for virtually the length of the site;
 - Construction of a landscaped median strip with mature tree planting; and
 - Reinstating the pedestrian crossing.

8.177 The diagram below illustrates the connections that would be achieved.



8.178 In terms of the future upgrade to Preston's Road roundabout, the illustrative plan below identifies the improvements that are possible.



8.179 At the time of the development of New Providence Wharf to the east of the subject site,

there was concern about the suitability of the Preston's Road subway system to accommodate the increasing population expected in this area. At that time, the Council's Highways Team recommended that pedestrian connectivity improvements be explored given their survey of pedestrian using the subway.

- 8.180 As part of the Building C New Providence Wharf application PA/06/2101 (approved 24 April 2008), the s106 planning agreement included an obligation for the applicant to establish a legal framework for a working group (consisting of Council, developers, statutory stakeholders and other parties) to deliver pedestrian connectivity improvements to Preston's Road roundabout. This, along with the s106 planning contribution will facilitate the creation of a scheme and the financial means to implement it. In addition, sites such as 2 Trafalgar Way would contribute as they came forward for development.
- 8.181 The delivery of the roundabout improvements is split in two phases. Phase 1 involves the modelling/justification to finalise the design. Aspects of this design to be implementation in phase 1 including:
- Provision of 4 x signalised pedestrian crossings across the roundabout (Aspen Way eastbound slip road, eastern arm of the roundabout, southern arm of the roundabout, northern arm of the roundabout);
 - Alterations to boundary walls to create a more direct access between Aspen Way eastern slip road and the East India DLR station;
 - Infill of the subway system if necessary; and
 - Reinstatement of highway (E.g. curbs, pavements, signs, street lighting, and road marking) and utilities infrastructure (e.g. surface water drainage).
- 8.182 It was intended that the framework and costs of phase 1 would be largely borne by the New Providence Wharf application. Later schemes such as 2 Trafalgar Way would contribute to the remaining elements, particularly phase 2.
- 8.183 Phase 2 of the roundabout improvement involves:
- Construction of a pedestrian bridge across the Preston's Road roundabout;
 - Roundabout to provide direct, at-grade north-south connection; and
 - Finalisation of the scheme (e.g. landscaping).
- 8.184 In summary, there is a comprehensive approach underway to improve connectivity particularly for the pedestrian environment as guided by national, regional and local policy. This will enhance the ability for future residents to access the public transport options, as well as the employment, educational, and medical services and recreational opportunities of the surrounding area. Therefore, this outcome should provide comfort to Members that their concerns regarding connectivity have been fully explored and resolved. Future residents will not be isolated; rather, this scheme will integrate them into the area and all the opportunities it has to offer. Consequently, this issue is not considered a sustainable reason for refusal.

Existing MacDonald's car parking and Drive-thru

- 8.185 In respect of the provision of the MacDonald's and associated facilities, including parking and drive-thru, this is an existing aspect of the operation of the MacDonalds which will be retained.

Residential car parking design and numbers

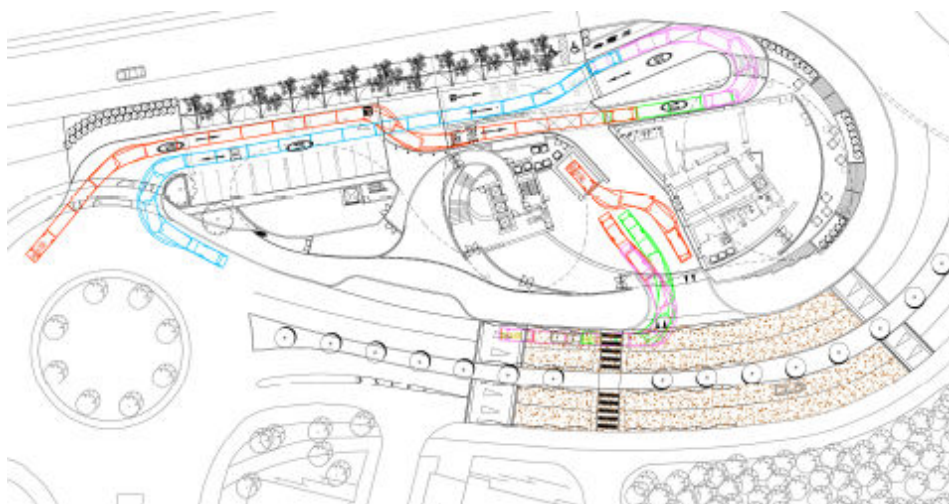
- 8.186 The residential car storage facility has been considered by the Highways Team in their discussions with the applicant's consultant. The mechanised car parking system is considered to be acceptable and especially beneficial for users with a disability whom may otherwise have difficulty in using a basement parking area. Sufficient car queuing area for the basement access point is available on site to deal with peak demand. Therefore there

is no significant impact to warrant refusal.

- 8.187 In respect of provision, a total of 97 car spaces are proposed. This represents 0.23 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 not sustainable.

Vehicle/pedestrian conflicts and safety

- 8.188 The ground floor plan below shows an elliptical ('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 parking access and egress point for MacDonalds. 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.



- 8.189 In respect of the pedestrian interface, pedestrian thoroughfares and entry points to the tower and ground floor commercial activities are located on the southern and eastern edges of the site. These are pedestrian only areas, 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 in the Macdonald's parking area and drive-thru loop. In considering the potential conflict, it should be noted that the Macdonald's parking and drive-thru is existing. 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. Therefore, the ground floor layout is considered acceptable, having addressed pedestrian access and safety which such that it has priority.

Road capacity

- 8.190 In respect of transport capacity, the Highways Team has considered this issue and raised no objection. The scheme is within the capacity of the local road network based on detailed analysis and 24hr traffic surveys and is therefore acceptable in this regard.
- 8.191 It should be noted that the Strategic Transport Team suggest that the highway network is reaching capacity in this area. Therefore, future applications that further intensify activity in this area will need to clearly demonstrate that their cumulative impact upon the network is not significantly adverse.

Planning contributions

- 8.192 The s106 agreement includes the requirement for a car-free development to prevent future

occupiers from applying for parking permits in the area. Also, planning contributions have been secured for connectivity improvements as discussed previously.

Concluding remarks

- 8.193 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, 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 Preston's Road roundabout and Trafalgar Way, thereby achieving significant improvements in north-south connectivity. Therefore, the development is considered acceptable and is recommended for approval.

Environmental Impact Assessment (EIA)

- 8.194 A scoping opinion was prepared by Romboll Whitebird 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;
 - Transport and access;
 - Noise and vibration;
 - Air quality;
 - Land quality;
 - Water resources;
 - Townscape and visual amenity;
 - Microclimate (wind);
 - Daylight and Sunlight;
 - Aviation safety;
 - Television and radio interference;
 - Waste resources;
 - Sustainability; and
 - Mitigation and residual effects
- 8.195 At the time of lodgement of the current application, the Environmental Statement (ES) 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 in a separate report 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.

8.196 In concert with the latest amendments to the scheme, a further report was prepared. It confirms that the issues and final conclusions as to the acceptability of the scheme are unchanged from the point of view of the environmental assessment. Consultee responses to the ES are provided in section 6. Detailed consideration of issues is provided throughout section 8. It is considered that all relevant issues have been taken into account and no significant impacts will result for existing and future residents as well as the surrounding environment.

S106 Planning Contributions

Introduction

- 8.197 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'*.
- 8.198 Planning obligations can be used in the following three ways:
- 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;
 - Secondly they may require a contribution to *compensate* against loss or damage that will result from a development. For example loss of open space;
 - Thirdly obligations may be used to *mitigate* against the impact of a development. For example through increased public transport provision.
- 8.199 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: -
- relevant to planning;
 - necessary to make the proposed development acceptable in planning terms;
 - directly related to the proposed development;
 - fairly and reasonably related in scale and kind to the proposed development;
and
 - reasonable in all other respects.
- 8.200 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'*.

- 8.201 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'*.
- 8.202 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.

Overview of s106 offer

- 8.203 The current version of the application secures 35% affordable housing, £8k per unit as well as a contribution in-lieu of providing family sized affordable housing off-site. The **£16.169m** package of contributions is considered acceptable and discussed in more detail below. It should be noted also that the toolkit was independently assess with the resulting advice concluding that the s106 offer was the maximum possible.

Affordable housing

- 8.204 In respect of affordable housing, the **35%** affordable housing offer comprises a proportion of units on site (**69 units**) plus an off-site contribution (**£12.857m**) in-lieu of affordable family housing.
- 8.205 In terms of delivery of housing via in-lieu contributions, the Planning Contributions Overview Panel (PCOP) manages these funds and allocates it for projects.
- 8.206 Contributions would put towards Council-lead and preferred partner RSL programs for affordable family housing in the borough on both council and RSL land. Projects can be to build new family housing, or purchasing family housing on existing estates (ex-right to buy dwellings for example) which will then be brought up to Decent Homes standard.
- 8.207 The advantages of taking a commuted sum in-lieu of onsite provision, or requiring the developer to secure an alternative site to deliver of family housing, are as follows:
- Family housing at lower density;
 - Family housing with lower service charges;
 - Units where there is established services and infrastructure;
 - Units bought or development on existing estates benefit from established management operations and caretaking; and
 - Potential scope to provide family housing borough wide in more than one location.

Health

- 8.208 The Primary Care Trust (PCT) requested the developer contribute £2,202,419 health (£505,379 Capital + £1,697,040 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 could be readily justified. The full justification for not seeking a revenue contribution is provided in the previous reports for the subject scheme and PA/08/274 is attached. A pro-rata contribution which covers the capital contribution for 414 units (**£569,664**) however, is considered to be satisfactory.

Education

- 8.209 In respect of an education contribution, the Council's Education department have requested a contribution of £419,628 towards the provision of school places. The s106 package will contribute **£632,592** towards the education needs which represents a pro-rata contribution of what was previously secured in negotiations as part of PA/08/274.

Transport

- 8.210 In respect of transport, the Traffic and Transportation Team verbally confirmed the acceptability of a pro-rata contribution of **£1,563,264** for improvements to the Preston's Road roundabout and pedestrian linkages across Trafalgar Way.
- 8.211 In addition, there will 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.

- 8.212 A 'Car Free' agreement is recommended to restrict the occupants from applying for residents parking permits in the area.

Amenity space

- 8.213 In respect of other heads of terms, British Waterways (BW) previously requested a contribution for upgrade and improvement of BW land adjacent Poplar Dock which will serve as amenity space. The agent indicates 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 and considered acceptable. A pro-rata **£546,480** is secured as part of this application.

Other heads

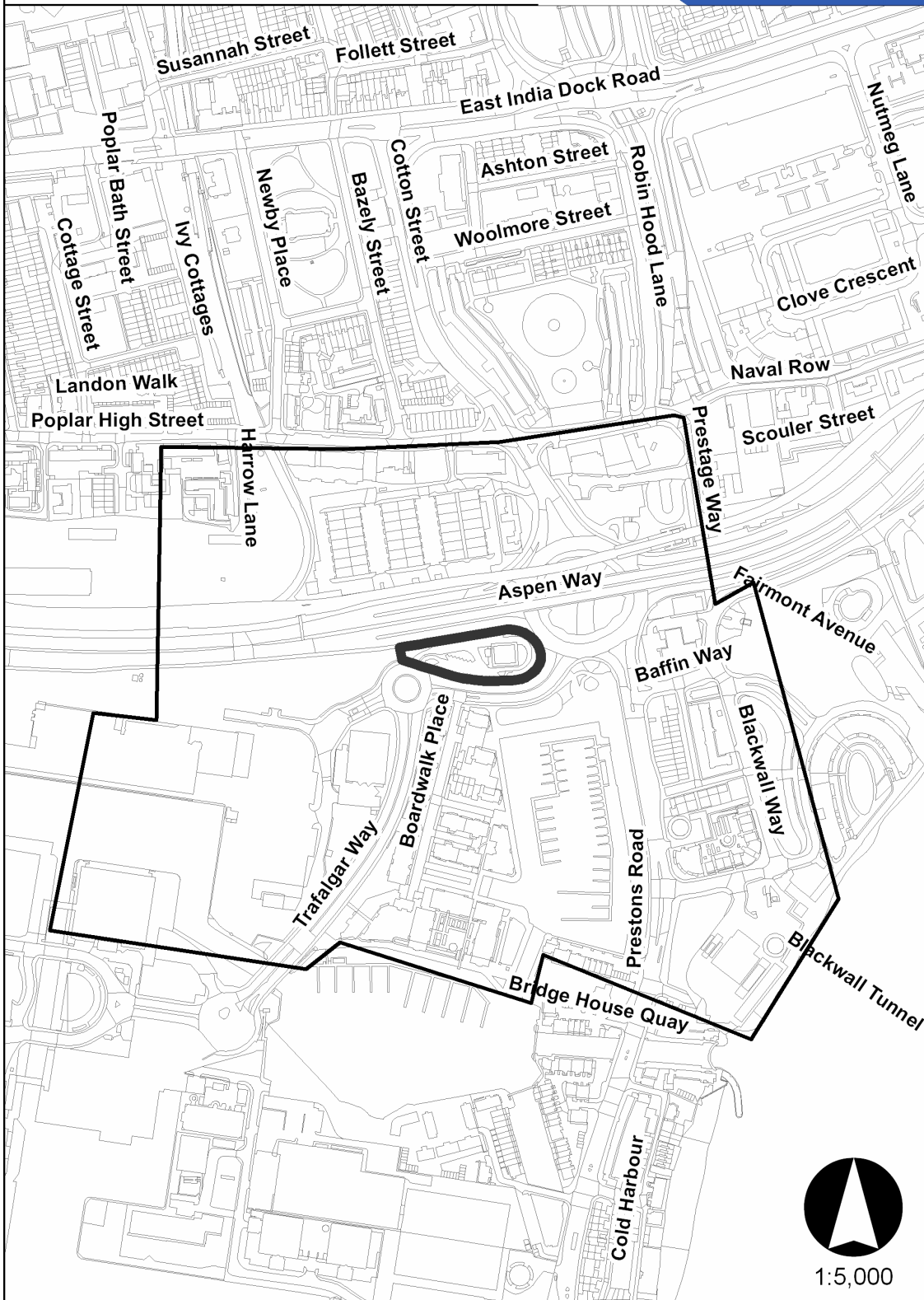
- 8.214 Other heads of terms include Transport Assessment, TV/radio reception monitoring and impact mitigation, employment/training initiatives and public art opportunity.
- 8.215 Overall, the revised planning contributions negotiated by LBTH with the developer are considered to be acceptable, in line 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**
- **9th Oct 2008 report for PA/08/01321**
- **29th May 2008 report for PA/08/00274**



1:5,000



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: 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 Arborculturalist 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 not 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.

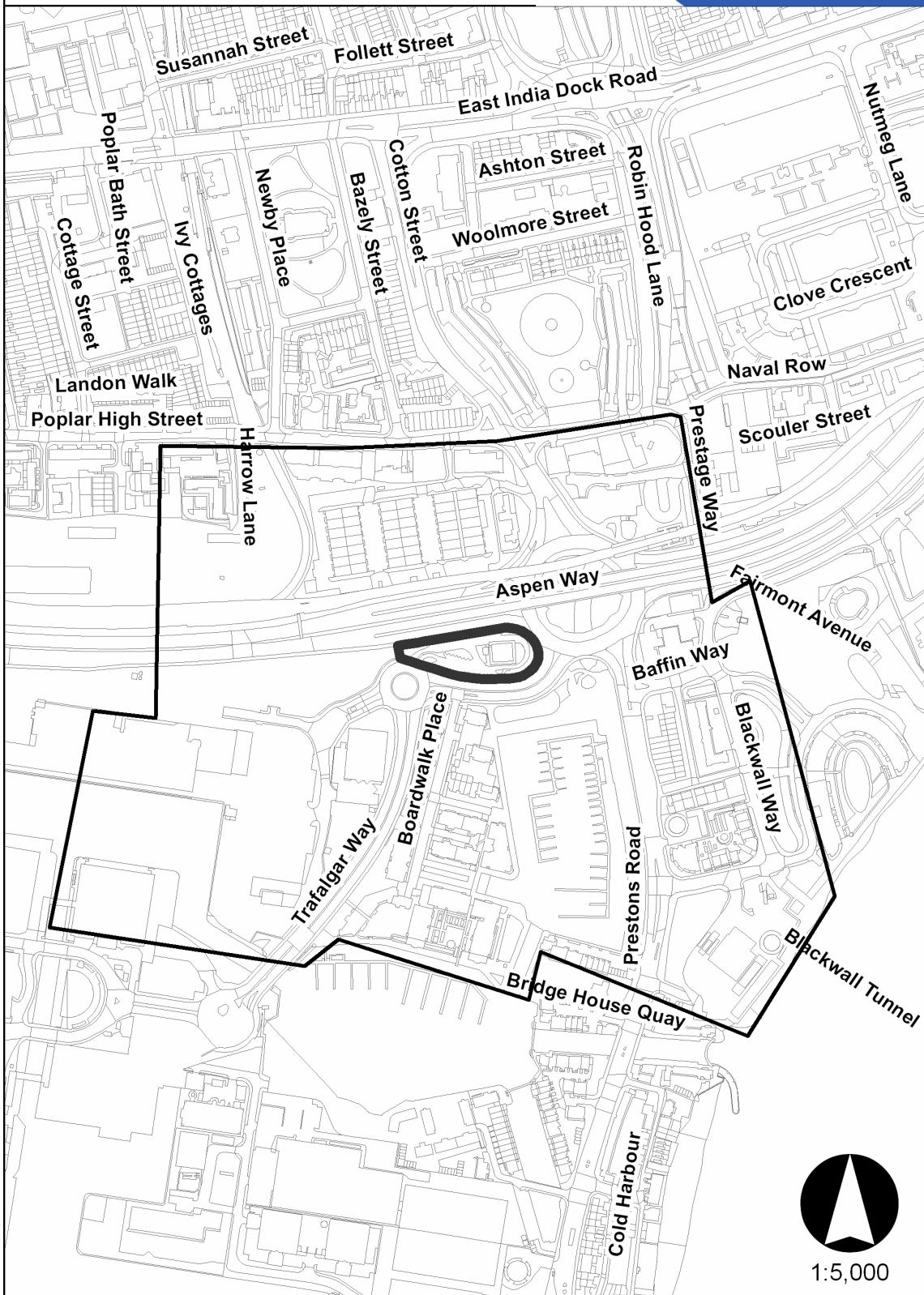
9.0 Conclusions

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



1:5,000



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: 29 th May 2008	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal Case Officer: Jason Traves		Title: Planning Application for Decision Ref No: PA/08/00274 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, including two towers of 29 storey and 35 storeys in height, use of the site as 397 residential units, a re-provided drive-through restaurant, retail / financial and professional service units, a crèche, gymnasium, associated amenity space including a children's play area atop a podium level and car parking.

This application includes the submission of an Environmental Statement

Drawing No's: Plan No's:

950-100-C3; 950-32-C2; 950-SK-34; 950-33-C2

A0000-00; A1000-00; A1100-01; A1101-00; A1102-00, A1103-00; A1104-02; A1105-02; A1106-02; A1107-02; A1108-02, A1109-02; A1200-00, A1201-00; A1202-00; A1203-00; A1300-00; A1301-00; A1302-00; A1303-00; A1304-00; A1305-00; A1306-00; A1307-00; A1400-00; A1401-00; A1402-00; A1500-00; A1501-00; A1502; A1503-00

1045-200-F; 1045-201-D; 1045-202-A; 1045-203; 1045-204; 1045-300

Documents:

Wider Vision Plans – Landscape Perspective

Planning Statement

Design and Access Statement

Affordable Housing Toolkit

Environmental Statement (3 Volumes)

Transport Assessment

GLA Toolkit and Renewable Energy report

Statement of Community Involvement

Archaeology Assessment

Applicant: 2 Trafalgar Way Limited and McDonalds Real Estate LLP Limited

Owner: As above

Historic Building: N/A

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

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 seek to maximise 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, a density of 2633 habitable rooms per hectare 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;
- 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.

(4) The provision for family housing achieves the amount required in the social rent and shared ownership tenures pursuant to CP21 of the Interim Planning Guidance. In terms of overall family housing provision of 25%, the scheme considerably exceeds the levels secured borough-wide as shown in the LBTH Annual Monitoring Report 2006/7 and is therefore considered acceptable.

(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;
- Similarly, 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 with no significant

visual impact posed on the surrounding context. Consideration of tall buildings policies of the LBTH Interim Planning Guidance and The London Plan (Consolidated 2008) indicate that the scheme satisfies the context, design, and amenity criteria and is therefore appropriate in this location. The analysis indicates that there are no significant adverse impacts upon views, including those from St Anne's Church, in accordance with PPS1 and PPG15. Nor is there any significant impact to the view from General Wolfe Statue in Greenwich Park pursuant to The Mayor's London View Management Framework' 2007.

(7) A suitable level of residential amenity for future occupiers is achieved which will satisfy need and create a sustainable community. The scheme provides for facilities and service including waste/recycling; car parking, bicycle parking; communal amenity open space, children's play area and crèche, and a balcony for every flat. All flats are in excess of the minimum floorspace standards. The scheme is therefore in accordance with PPS1, PPS3, as well as Policies 4B.1, 4B.5, 4A.3, 4B.10 of the London Plan (Consolidated 2008) and Policy CP1 of the LBTH Interim Planning Guidance.

(8) There are no significant impacts to neighbours posed. No significant privacy, overlooking, noise or disturbance impacts to neighbours are identified. The scheme has also been considered in detail by the Environmental Health team. They confirm that there is no significant overshadowing impact posed. Therefore the proposal is in accordance with DEV2 of the LBTH Adopted UDP 1998, and Policy DEV1 of the Interim Planning Guidance. It is also noted that any impacts during construction such as noise, dust and vibration are not planning considerations. These would be mitigated through the management of the construction process in accordance with DEV12 of the LBTH Interim Planning Guidance.

(9) The scheme is considered to be within the transport capacity of the area, with no significant impact posed. An extensive analysis, including 24hr surveys, indicates that the local road system has capacity to accommodate the 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 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 Shadwell 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.

(10) 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. The contributions have increased significantly as compared to the original offer. Following extensive analysis, they are considered to represent the maximum contribution possible having regard to the affordable Housing (Three Dragons) Toolkit. 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 **£1,500,000.00** towards highway improvements;
- c) Provide **£607,758.00** towards education to mitigate the demand of the additional population on education facilities;
- d) Provide **£545,253.00** towards medical facilities to mitigate the demand of the additional population on medical facilities;
- e) Provide **£522,989.00** towards an improved public space between the site and Poplar Dock to supplement the private and communal open space achieved of site; and
- f) Provide for car club, car-free agreement, Travel Plan, TV/radio reception monitoring and impact mitigation, employment/training initiatives

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

3.3 That the Corporate Director Development & Renewal be delegated authority 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
 - Design and ground floor
 - Balcony details
- 3) Details of the children's play area
- 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 as required by EA
- 12) No infiltration to ground waters required by EA
- 13) No storage within 10m of any watercourse required by EA
- 14) storage facilities for oil, fuels and chemicals required by EA
- 15) Details of foul and surface drainage system as required by the Environment Agency
- 16) Method statement for waste removal during construction phase as required by EA
- 17) Archaeology as required by English Heritage
- 18) Insulation measures shall be provided in accordance with the PPG 24 noise assessment contained in the ES
- 19) The waste and recycling facilities to be provided in accordance with the approved details and plans
- 20) Construction Management Plan required
- 21) The green/brown roofs to be constructed in accordance with the details submitted in the ES
- 22) Lifetimes Homes standards and 10% wheelchair accessible
- 23) No roller shutters on commercial units
- 24) Code for sustainable homes compliance
- 25) The CHP shall be implemented in accordance with the renewable energy toolkit and ES
- 26) Bats and Black Redstarts protection

- 27) Construction program and site mgt to consider Black redstarts nesting and seasonal requirements (natural England)
- 28) 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
- 5) Consult Natural England on the open space adjacent poplar dock
- 6) Consult Parks, landscape, BW and English Nature on the s106 for poplar dock
- 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

- 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 be delegated authority 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 including two towers of 29 storey and 35 storeys in height. It is to be used as 395 residential units, a drive-through restaurant, retail / financial and professional service units, a crèche and gymnasium. Associated amenity space including a children's play area atop a podium level and car parking is also included.
- 4.2 The details of the scheme are as follows:
 - The provision of 65sqm Gross Estimated Area (GEA) of restaurant (A3) floorspace and 970sqm Retail (A1/A2/A3) predicted to generate between 165 - 200 jobs;
 - 25,434sqm of residential (C3) flats with sizes ranging between studio – 5 bedroom;
 - Affordable housing provision which equates to 30% of total habitable rooms or 19% of the GEA, or 24% of unit yield;
 - Residential design that achieves level 3 for the Code for Sustainable Homes Criteria as well as 10.4% wheelchair housing;
 - Incorporation of energy efficient and sustainable measures into the scheme to provide 10% of energy needs and reduce carbon emission by 10%;
 - A total of 5205 sqm of amenity space comprising:
 - 1755 sqm of private amenity space in the form of balconies;

- 380 sqm of children's playspace at podium level;
- 420 sqm communal space at podium level;
- 100 sqm associated with the podium level crèche;
- 2550sqm of publicly accessible space at ground floor 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 is 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 The principle design element of the scheme is the two circular tower elements, clad in horizontal bands of glass and metal. The metal banding is perforated (holes) to allow for increased light penetration into the building and also adds an interesting feature. Unique building projections between the towers provide added visual interest as well as accommodating skygardens for flats. Rooftop gardens complete the tower design. The ground floor comprises the residential access and servicing areas, as well as the being the location for the commercial units, including the MacDonald's restaurant which is to be reprovided on the site. A podium level accommodates amenity open space, the children's play areas and crèche.

4.4 A notable feature of the scheme is the mechanical car storage system. Working in a manner of a vending machine, drivers can deposit and retrieve their car from the designated access point at the ground floor using their access code. The mechanical system does the rest, moving the car between the basement storage and ground floor access point. This solution is helpful for people with a disability as there is no need to enter the basement. The transport assessment predicts that only 2 cars will queue to use this space in peak periods and the queuing area provided on site can accommodate 3 cars.

Site and Surroundings

4.5 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 Polar Dock. The site slopes down gently towards the east. The site is 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.

4.6 Pursuant to the London Borough of Tower Hamlets (LBTH) adopted Unitary Development Plan (UDP) 1998, the site is located within the Central Activity Zone, a 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 ID58 (Res C3, Employment B1), and falls within a Flood Risk zone 2 – 3.

4.7 Pursuant to the Isle of Dogs Area Action Plan (AAP), the site is specifically identified as ID58 (for Residential C3 and Employment B1 uses), is adjacent new housing focus area, adjacent residential-led mixed use and adjacent to the Crossrail route.

4.8 Pursuant to the Mayor's London Plan Consolidated with Alterations since 2004, 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.

4.9 Pursuant to the Mayor's East London Sub-regional Development Framework, the site is identified within an area for mixed uses with strong arts, cultural and entertainment character.

- 4.10 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 commercial floorspace (office and retail) as well as a hotel. Blackwell DLR station is in proximity of the site to the north east across Aspen Way.

Planning History

The Site

- 4.11 In June 1994 application T/94/170 was granted for the MacDonald's development. Subsequently, various minor applications have been approved for signage and a freestanding cash point (ATM).

Neighbour – Building C New Providence Wharf

- 4.12 On 31 January 2008, application PA/06/2101 was granted for erection of a part 12, part 44 storey 54,778 sqm building to provide 484 flats, 323 sqm of retail floorspace (Use Class A1), a 948 sq m Health and Fitness club (Use Class D2). An ancillary concierge facility together with associated landscaping, car parking, servicing and plant was also provided, subject to signing the s106 legal agreement.

Neighbour – Building D New Providence Wharf

- 4.13 On 06 October 2004, application PA/03/1387 was granted for erection of a 33,291 sqm. tower and podium building, 104.3m high, to provide a 210 room hotel, 257 flats (139 studio apartments, 70 one bedroom, 39 two bedroom, 3 three bedroom and 6 three bedroom duplex apartments) together with a 86 sq. m Class A1/A2/A3/B1 unit.
- 4.14 On 20 April 2005 application PA/04/1858 was granted for the erection of a 36,552 sqm tower and podium building (111.95 m tall) to provide a 14,106 sq. m, 169 bedroom hotel, a 605 sq. m health club, a 36 sq. m A1/A2/A3/B1 unit, 45 car parking spaces, landscaping and means of access was permitted.

Neighbour – Poplar Dock

- 4.15 On 07 October 1997, the London Docklands Development Corporation (LDDC) granted permission for the redevelopment of Poplar Dock and its use as 21 Houses, 294 flats and 230sqm of commercial floorspace (Class A1, A2 or A3), as well as ancillary car parking and landscaping.
- 4.16 On 30 June 1998, the LBTH Development Subcommittee granted permission for an application to vary the 7th October 1997 permission, including provision of an extra storey on the north/south blocks D1, D2 and F to create 16 additional units as well as an increasing commercial floorspace by 75sqm from 230sqm to 305 sqm.
- 4.17 On 03 February 1999, the LBTH Development Panel granted planning permission for an amended scheme at block C to provide 86 flats comprising of 1 to 3 bedrooms as well as a contributions to social housing.
- 4.18 On 08 January 2001, the LBTH Development Panel granted permission for application PA/99/1540 for erection of a part 4/5 storey building to provide 14 x 1 bed and 36 x 2 bed flats with car parking and landscaping.

Neighbour - Land S/w Jnc Of Poplar High St And Preston's Road And East Of Poplar Business Park, Preston's Road

- 4.19 On 13 March 2006, application PA/04/510 was granted for the erection of two buildings rising to 13 and 25 storeys in height and its use as 1,084 sq. m of Class A1 (Shop) and 243 residential units (131 x 1 bedroom, 82 x 2 bedroom and 30 x 3 bedroom).

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Decision” 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
CON5	Protection and Management of Important Views

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
4B.10	Large Scale Buildings – Design and Impact
5C.1	The Strategic Priorities for North East London

**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:

LBTH Primary Care Trust (PCT)

6.2 Advised that the contribution for healthcare based on the HUDU model is £2,378,709.00 comprising of £545,253.00 capital contribution and £1,833,456.00 revenue contribution

(Officer Comment: These issues are discussed in section 8: ‘S106 Planning Contributions’.)

LBTH Landscape Section

6.3 Concern is raised about provision of family housing with limited play area which is also prescriptively design. Furthermore, the lack of any public open space within this area and isolation of the site would otherwise make accessibility difficult for children. Concerned also raised with density of the scheme but notes this is not a reason for refusal of itself.

(Officer Comment: Section 8 under ‘Amenity Space’ outlines provision of amenity open space including 380sqm of dedicated children’s playspace and 100sqm playspace relating to the crèche. This provision satisfies the Interim Planning Guidance requirements in terms of area and concern about the detailed design could be reasonably addressed by an appropriately worded condition for the detailed design stage. In respect of the availability of open space, the scheme will provide for an improved open space between the site and Poplar Dock and contribute a planning contribution in excess of £500k in support of this work. On the basis of the variety of provision of amenity space and that the detailed design will be secured by condition, the concerns expressed are not considered sufficient reasons to refuse planning permission.)

LBTH Parks and Open Spaces

6.4 Clarification requested in respect of the amenity area adjacent the site and Poplar Dock.

(Officer Comment: It was confirmed that this area fell outside the red line of the application and was land controlled by British Waterways and for which it was agreed to seek s106 planning contributions for the improvement of this space for public use. As part of the s106 agreement, appropriately worded heads of terms will include the requirement for LBTH to be consulted on the works to this space including the detailed landscape design treatment and the retention and replacement of trees.)

LBTH Traffic and Transport

6.5 Initial comments since been addressed by further information and conditions of approval recommended:

- A recent 24 hour traffic study considering Billingsgate market;
- The loading bay on the public highway is incorporated within the site proper;
- The vehicle barrier onto Trafalgar way has been repositioned further into the site to prevent queuing on the public highway.
- Recommend a car free agreement ad section 106 for highway improvements including contributions for at grade pedestrian crossing facilities for Preston Road roundabout and contributions towards highway improvements on Trafalgar Way
- Recommend s278 agreement to secure the highway works.

The remaining concerns about the scheme such that the department cannot recommend approval:

- Provision of 37 parking for the MacDonald's restaurant;
- The internal road layout giving rise to pedestrian/vehicle conflicts

(Officer Comment: These issues are discussed in section 8: 'Transport'.)

LBTH Energy Officer

6.6 Considers the energy Strategy to be acceptable and recommends appropriately worded conditions to ensure carbon dioxide reductions are capable of being achieved on site.

LBTH Environmental Health – Health

6.7

- No bedroom to be less than 6.5sqm
- Sufficient extract ventilation for kitchens, bathrooms and WCs
- Premises must comply with relevant statutes including Housing Act 2004 and relevant building regulations.

(Officer Comment: In respect of the issues raised, all bedrooms exceed the minimum requirements and satisfy the LBTH Supplementary Planning Guidance on amenity space standards; ventilation will be addressed as part of the approval under building regulations; compliance with other legislation is noted but not a planning consideration.)

LBTH Environmental Health – Construction, Noise/vibration, Microclimate (wind) and BRE (daylight sunlight) Issues

6.8

- Construction management plan acceptable and hours to be conditioned;
- Noise vibration conditions to be imposed for internal amenity pursuant to PPG24 and BS8233.1999;
- Microclimate assessment acceptable and sufficient comfort/safety levels are achieved through the development;
- Since the receipt of further information including Vertical Sky Component (VSC), Average Daylight Factor (ADF), DDT, Annual Probable Sunlight Hours (APSH), shadow analysis and Sun Path for Sunlight Assessment, the scheme is considered to be acceptable;
- Concern in respect of the noise impact for residents form the A3 (MacDonald's and D1/D2 (Gymnasium and crèche) have been addressed by window glazing specifications as well as the insulation level of the intended floor construction

(Officer Comment: Appropriately worded conditions of approval are recommended where relevant to address the abovementioned matters.)

LBTH Environmental Health – Land Contamination Issues

6.9 No objection to the scheme and recommends standard conditions for further investigation.

LBTH Education

6.10 A planning contribution of £607,758. 00 is requested to accommodate 49 additional primary school places to mitigate against the impact on the local education provision.

(Officer Comment: The full planning contribution sought will be secured within the s106 agreement.)

LBTH Waste

- 6.11
- Concern raised in respect of compaction of residential waste with handling difficulties that may result from heavier bins;
 - Twice weekly collection services are acceptable
 - Concern that storage facilities could be cramped
 - Further consideration of the above matters is required before concluding the most suitable waste handling arrangements on the site

(Officer Comment: An appropriately worded condition is recommended for the resulting waste arrangements to be agreed prior to commencement of works on site)

Greater London Authority (Statutory Consultee)

6.12 No comments received

The Government Office of London

6.13 No comments received

Environment Agency (Statutory Consultee)

6.14 No objection to the scheme subject to appropriately worded standard conditions:

- Flood warning system and evacuation plan
- Preliminary risk assessment
- Verification report for the remediation strategy
- No infiltration of surface water drainage into the ground
- Piling and penetrative foundation design to be approved

Additionally, the following informatives are recommended:

- Drainage systems to allow groundwater to bypass
- Abstraction license required under the Water Resources Act 1991
- Follow risk management of CLR11
- Surface water attenuation for 1 in 100 year events with 30% increase for climate change

(Officer Comment: These conditions and informatives are recommended if the application is granted.)

TfL (Statutory Consultee)

6.15 No comments received

DLR

6.16 No comments received

BBC

6.17 No comments received

English Heritage (Archaeology) (Statutory Consultee)

6.18 Concern for impact to sensitive conservation area views Eg from portico of All Saints, East India Dock Road and effect of materials and detailed design especially a shiny finish. Note that consultation as part of Scoping opinion are not a view on the scheme and are merely an outline of the information to be contained within the Environmental Impact Assessment (EIA). No pre-application was had on this scheme.

(Officer comment: The impact to conservation area views is discussed in section 8 under 'Design'. Advice that the Scoping opinion is an assessment and that pre-application discussions have not been had are noted but do not otherwise prejudice the assessment and determination of the application)

London City Airport (Statutory Consultee)

6.19 No safeguarding objection to the proposal

National Air Traffic Services Ltd (NATS) (Statutory Consultee)

6.20 No safeguarding objection to the proposal.

Thames Water Authority

6.21 No comments received

British Waterways

6.22 No objection subject to:

- Financial contribution for landscaping of area between the site and Poplar Dock
- A condition for detailed landscaping plan
- An informative in respect of surface water discharge

(Officer Comment: A contribution is secured for the improvement works to land adjacent Poplar Dock and the condition and informatives are recommended if the scheme is granted)

Lea Valley regional Park Authority

6.23 No comments received

Metropolitan Police

6.24 No comments received

London Fire and Emergency Planning Authority (LFEPA)

6.25 The Authority raise no objection the proposal following receipt of 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

London Borough of Greenwich

6.26 No objections and no observations.

English Nature – Natural England

6.27 The Environmental Assessment does not cover current conservation value although, it is accepted this was covered in the Scoping Report. However, the need to better consider nesting and breeding of birds is required. Black Restarts are found in LBTH and the Isle of Dogs has the most breeding pairs. A condition is recommended to ensure impacts during felling are minimised. The nesting, breeding and seasonal requirements is to 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 towards the

maintenance and continued provision of accessible natural greenspace.

(Officer Comment: The Thompson Ecology Habitat Survey which was submitted as part of the Environmental Impact Assessment (EIA) 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

6.28 No objection to the proposal.

National Grid

6.29 Consider that the scheme has a negligible risk in respect of proximity and sensitivity of electricity and gas transmission network.

Canary Wharf Group PLC

6.30 No objecting in principle but concerned about impact of development including traffic in Trafalgar Way. Proposal is a significant intensification with new restaurant having a potentially high turnover and stacked parking may not be sufficient and possible queues in Trafalgar Way and Impact to Preston's Road needs to be considered.

(Officer Comment: These concerns have also been considered in the officer comments for the traffic and Transportation and Strategic Transport Team)

Crossrail

6.31 Advice that the Authority has no comments to make on the proposal

CABE

6.32 No comments received

Barkantine Tenants and Residents Association

6.33 No comments received

Alpha Grove and Barkantine Tenants Association

6.34 No comments received

Maritime Greenwich World Heritage Site

6.35 Notes the site is considerable distance from Maritime Greenwich but nevertheless is visible from General Wolfe Statue, Greenwich Park being listed in the GLA London View Development Framework. 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 General Wolfe Statue is a concern. Also, there is concern for scale and design of the tower rather than details.

(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

6.36 No comments received

7. LOCAL REPRESENTATION

7.1 A total of 347 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: 1 Against: Nil; Support: Nil; Neutral 1

- 7.2 The following comments were raised in representations that are material to the determination of the application:
- 7.3 Design – attractive building that will improve the tone of LBTH
(Officer comment: The appearance and design of the scheme is considered to be of high quality and an appropriately worded condition recommended to control the detailed design and materials)
- 7.4 Concern in respect of TV and radio reception
(Officer comment: TV and radio reception was considered as part of the EIA. The assessment concludes that the impact would be minimal subject to mitigation measures for example relocating antennas or using repeaters and amplifiers. To ensure that this matter is considered following completion of the scheme it is included a term of the s106 agreement requiring monitoring and mitigation is undertaken as appropriate).

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:
1. Landuse
 2. Housing
 3. Design
 4. Amenity for future occupiers and users
 5. Neighbour Impacts
 6. Transport Impacts
 7. Sustainability
 8. Planning Contributions

Landuse

Introduction

- 8.2 As noted in the 'Site and Surroundings' section 4 of this report, the site falls within ID58 of the Isle of Dogs AAP and is designated for a residential-lead, mixed-use scheme.

Principle of mixed use

- 8.3 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.
- 8.4 In respect of national policy PPS 1: Creating Sustainable Development (Jan 05), the PPS promotes in it's 'General Approach' for the more efficient use of land with higher density, mixed-use schemes 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).
- 8.5 In respect of regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria' also promotes the optimisation of land use. 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'.

8.6 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.

Density

8.7 In addition to the general guidance 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 intensity and the efficient use of sites.

8.8 The proposal is equivalent to 2633 habitable rooms per hectare which is in excess of published local and regional guidance. The indicative density provisions based on habitable rooms per hectare 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

8.9 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 as discussed under 'Neighbour Impacts';
- There are no significant impacts identified for future residents and users as discussed under 'Amenity for Future Occupiers and Users';
- There are no symptoms of overdevelopment including poor design, substandard accommodation, inappropriate housing mix referred to in CP20 Sustainable Residential Density of the LBTH Interim Planning Guidance;
- The scheme is of high architectural quality as discussed under 'Design';
- Tall buildings are appropriate in this location as discussed under 'tall Buildings';
- 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 as discussed under 'S106 Planning Contributions';

8.10 For these reasons the scheme is considered to be an efficient use of the site and not over-dense.

8.11 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."

8.12 In addition, high density precedents have been recently approved 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.

8.13 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

- 8.14 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'.
- 8.15 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 rather it is a presumption which is further reinforced by the extant permission of May 2007.

Concluding Remarks

- 8.16 This section considered that a residential-lead, mixed-use scheme is appropriate and justified in terms of policy. The remainder of the report considers the acceptability of the scheme.

Housing

- 8.17 The application includes 395 residential (Class C3) units. Its mix is as follows:

	Market Sale	Social Rent	Shared Ownership
Studios	63	0	4
1 Bedroom flat	86	5	10
2 Bedroom flat	105	12	13
3 bedroom flat	47	33	9
4 Bedroom flat	0	7	0
5 Bedroom flat	0	1	0
Total Units	301	58	36
Total Affordable Units		94	

Affordable Housing

- 8.18 UDP policy requires affordable housing on schemes greater than the 10 ten units.
- 8.19 Policy CP22 'Affordable Housing' requires a 35% affordable housing provision.
- 8.20 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, provision of affordable housing is balanced with the need to consider planning contributions in other areas including transport, health and education for example.
- 8.21 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.

- 8.22 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'.
- 8.23 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 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:
- £1,500,000.00 towards highway safety improvements;
 - £607,758.00 towards education to mitigate the demand of the additional population on education facilities;
 - £545,253.00 towards medical facilities to mitigate the demand of the additional population on medical facilities;
 - £522,989.00 towards an improved public space between the site and Poplar Dock to supplement the private and communal open space achieved of site; and
- 8.24 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.
- 8.25 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 for the merits of this application and the contribution of affordable housing being offered.
- 8.26 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
- 8.27 Family sized housing is a requirement in all three housing tenures (market, social-rent, and shared-ownership) although varying amounts are required in each.
- 8.28 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 23%. In the social-rent housing 45% is required and 70% is provided. In the market housing, 25% is required and 16% is provided. This corresponds to a total provision of 25% family housing provision across the whole scheme for which the policy aspiration is 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. 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.
- 8.29 Whilst short on of the nominated percentages in the mark tenure, the overall provision as

well as provision in the social-rent and shared ownership tenures is in line with policy aspirations. It is 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. Figures are given in the following table:

Table: Family housing provision comparison

Tenure	% Policy	% PA/08/274	% Annual Monitoring Rpt 2006-07
Social-rented	45	70	17.5
Intermediate (Shared ownership)	25	25	2.5
Market	25	16	4.1
Total	30	25	7.1

Wheelchair Housing and Lifetime Homes

- 8.30 Policy HSG9 'Density of Family Housing' of the Interim Planning Guidance requires housing to be design to Lifetime Homes Standards and for 10% of housing to be wheelchair accessible or "easily adaptable". 10.4% is provided, in compliance with policy.

Floor Space

- 8.31 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.
- 8.32 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

- 8.33 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.
- 8.34 The application proposes the following amenity space provision:
- 1755sqm is private amenity space in balconies;
 - 420sqm of communal amenity space at podium level (excluding brown/green roofs);
 - In addition, 380sqm of children's play area and 100sqm of outdoor space relating to the crèche;
 - 2550_sqm of public open space adjacent to Poplar Dock
 - A total provision of approximately 5205sqm

- 8.35 The Policy requirements are summarised in the tables below:

Residential Space SPG 1998 requirements

Tenure	Proposed	SPG Requirement	Total (m ²)
Family Units	97	50sqm of private space per family unit	4850
Non-family units	298	50sqm plus an additional 5sqm per 5 non-family units;	348
Child Bed spaces	104.2	3sq.m per child bed space	312.6
Total			5510.6

Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	67	6	402
1 Bed	101	6	606
2 Bed	130	10	1300
3 Bed	89	10	890
4 Bed	7	10	70
5 Bed	1	10	10
TOTAL	395		3278
Ground Floor Units			
Studio	-	25	-
1 Bed	-	25	-
2 Bed	-	25	-
3 Bed	-	50	-
4 Bed	-	50	-
5 Bed	-	50	-
Total	-		-
Grand Total	395		3278
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	435
Total Housing Amenity Space Requirement			3713

8.36 The overall amenity space provision across the scheme exceeds the total required provision of the Interim Planning Guidance, although falls short of the adopted UDP. In considering this scheme, it is emphasised that all flats have some private open space provision and a significant planning contribution is being made to enhance the publicly accessible space adjacent to Poplar Dock. The scheme is considered acceptable on this basis.

8.37 In addition, 312.6sqm 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

8.38 On balance, the affordable housing provision (of 30%) is considered the maximum possible

in light of the affordable housing toolkit, 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 25% 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

- 8.39 Guidance in the form of policy as well as approved schemes nearby guide the design considerations of this scheme.
- 8.40 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.
- 8.41 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.
- 8.42 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

- 8.43 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”*
- 8.44 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.
- 8.45 Policy CP49 Tall Buildings of the LBTH Interim Planning Guidance states:
- “1. The Council will, in principle, support the development of tall buildings:*
- a) in the northern part of the Isle of Dogs where they consolidate the existing tall building cluster at canary wharf; and*
- b) At Aldgate to facilitate the regeneration of the area.*

2. The Council may consider proposals for tall buildings in locations outside the tall buildings cluster locations identified in this policy if adequate justification can be made for their development

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”

8.46 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.

8.47 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 different 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 as discussed in detail under ‘Wider Context’;
- Nevertheless, it does not fill in or detract from the tall building cluster of Canary Wharf as discussed in detail under ‘Wider Context’;
- There is no adverse impact to any views as discussed in detail under ‘Local Context’ and ‘Wider Context’

8.48 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’.

8.49 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.

8.50 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 impacts on local infrastructure are mitigated.

8.51 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 to 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.”*

8.52 Points 1, 2, 8, 10, 12, 14, 15, 19, 20 and 21 have been addressed in the considerations of CP 49 tall Buildings.

8.53 In respect of 3, alternatives have been considered in the pre-application discussions with LBTH and in the applicant's Design and Access Statement, which accompanies the application.

8.54 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.

These are explored in more detail later under 'Wider context'.

8.55 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.

- 8.56 In respect of 11, a human scale is achieved at street level with a series of single storey commercial premises, including the Macdonald's restaurant, as well as the residential foyer which breaks up façade of the building and provides multiple openings (doorways and windows). This prevents continuous and/or blank frontages.
- 8.57 In respect of 13, adaptability is incorporated into the scheme by generous floor-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 under 'Housing'.
- 8.58 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.
- 8.59 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 Arborculturalist have raised no objections to the scheme subject to various conditions, informatives and s106 heads of terms.
- 8.60 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.
- 8.61 In respect of 22, the site has good access to public transport with a site specific Public Transport Accessibility Level (PTAL) 4 and is within an area considered generally to be PTAL 6a.
- 8.62 In respect of 23, the proposal is considered to be within the capacity of the area and the Traffic and Transportation team.
- 8.63 In respect of 24, the proposal will contribute a planning contribution of £1.5million to funding works to the nearby roundabout. This will improve pedestrian links in the surrounding area and especially links to nearby Blackwell DLR station.
- 8.64 In respect of 25, the above monies will contribute to linking the development into the wider area and further afield 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.
- 8.65 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.
- 8.66 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.

8.67 It is concluded that the principle of a tall building is supported on this site having regard to local and regional policy.

External Appearance

8.68 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

8.69 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 for the 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 items for example, West India and Millwall Docks, Blackwell Basin and Poplar Dock are locally listed but are not nearer than 260m of 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.

8.70 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 of similar height are constructed;
- 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.

8.71 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, 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.

8.72 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 around and out of the All Saints Conservation Area.

- 8.73 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, but instead 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.
- 8.74 Within the EIA, Figures 11.4 and 11.5 visually quantify the change in view from St Anne's 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.
- 8.75 As demonstrated in this section and under 'Tall Buildings', the possible impact to St Anne's 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
- 8.76 Therefore, the proposal is considered to have been adequately assessed in terms of its potential impact to St Anne's. The proposal is not considered to have a significant detrimental impact on St Anne's 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 design considered here.
- 8.77 In considering the effect of the materials and the detailed design 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 the details prior to discharging the condition.

Wider Context

- 8.78 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. Figures 11.34 and 11.35 and associated text in the EIA visually represent and analyse 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.
- 8.79 An objection has been received from the Maritime Greenwich World Heritage. They raise concern about the enlargement of the cluster of tall building 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.

- 8.80 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.
- 8.81 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.
- 8.82 Specific guidance is also offered in respect of London panoramas in general in paragraph 3.37 which indicates:
- London panoramas are vulnerable to development in the front and middle ground;
 - Buildings in these area 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.
- 8.83 This review of the London View Framework indicates clear priorities in considering the impact of this view:
- The effect on St Pauls 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.
- 8.84 The objection by the Maritime Greenwich World Heritage site is necessarily concerned with the last three points.
- 8.85 The 'Townscape and Visual' assessment provided in the EIA shows clear 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 Pauls;
 - 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.
- 8.86 As described in the EIA, the scheme does not detract from the Canary Wharf cluster. The change in the panorama overall is considered to be minor, with the significance of the change being moderate and the overall effect being beneficial.
- 8.87 In specific reference the objection, 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

- 8.88 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.

8.89 In addition to matters under the 'Housing' section of this report, the following details how the scheme accords with more specific amenity considerations and applicable policies;

- The provisions of 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, is in accordance with Policy DEV3 'Accessibility and Inclusive Design' and DEV19 'Parking for Motor Vehicles';
- Renewable energy and sustainability in the design is acceptable.

8.90 In other aspects, there are no significant adverse impacts:

- Specifically, although the provision of open space falls short of the standards of the LBTH adopted UDP 1998, it is in accordance with the requirements of the Interim Planning Guidance and is considered satisfactory in this regard;
- Although window to window separation distances are at 16m, this is merely at the closest point of the spherical towers. Furthermore, no significant privacy, overlooking or outlook impacts result, as the outlook from the towers is a 365 degree panorama, with offset plans and windows, rather than being single aspect buildings which directly face each other;

8.91 On balance, the overall amenity of future occupiers and users of the scheme is satisfactorily addressed and is consistent with Policy.

Neighbour Impacts

8.92 The consideration of potential impacts to neighbours is identified national, regional and local policies previously referred to in this report. It is noted that no objections have been received from occupiers of immediately surrounding properties.

8.93 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 otherwise mitigated through the management of the construction process and any unreasonable or excessive impacts subject to investigation and enforcement action.

8.94 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

8.95 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.

8.96 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 then 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. 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.

- 8.97 The application was considered by the Traffic and Transportation Team. Their matters are outlined in section 6: 'Consultation response' and discussed below. It is noted that the topics covered are similar to the considerations of the Strategic Transport.

Existing MacDonald's car parking and Drive-thru

- 8.98 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

- 8.99 The residential car storage facility has been considered by the Traffic and Transportation team in their discussions with the agent's transport consultant. The mechanised car parking system as outlined in section 4 is considered to be acceptable and particularly advantageous for users such as people with a disability. Therefore there is no significant impact to warrant refusal.)
- 8.10 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 not sustainable.

Vehicle/pedestrian conflicts and safety

- 8.10 In respect of pedestrian/vehicle conflicts, the internal circulation arrangement on site involves interaction between pedestrians and vehicles relating to the restaurant parking and drive-thru facility and the residential C3 uses.
- 8.10 In respect of pedestrian/vehicle conflict 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 this western end, 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.
- 8.10 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 operated for a considerable time (albeit in a different arrangement). 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

- 8.10 In respect of transport capacity, the Traffic and Transport Team has considered this issue

- 4 further and upon receipt of further information about 24 traffic surveys, there is no objection is raised to the development on this ground. It is considered that this matter has been sufficiently explored and resolved and does not a reason for refusal.

Planning contributions

- 8.10 A section in the s106 agreement will include the requirement for a car-free development to
5 prevent future occupiers from applying for parking permits in the area. Also, a £1.5million contribution is secured for transport improvements.

Concluding remarks

- 8.10 In summary, the provision of parking for both the commercial and residential components of
6 the scheme does not constitute a reason for refusal. Rather, it is considered to be 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 with the capacity of the local road network based on detailed analysis of 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 on balance as being within the capacity of the site and local area and posing no significant safety impacts to warrant refusal.

Environmental Impact Assessment (EIA)

- 8.10 A scoping opinion was prepared by Romboll Whitybird in July 2007 and commented upon by
7 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 In respect of 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.

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8.10 Note that Archaeology pursuant to PPG 16, 4B.15 ‘Archaeology’ of The London Plan
8 (Consolidated 2008) was dealt with in a separate report. In considering the EIA and archaeological report, no objections have been received from LBTH departments or external consultees and appropriately worded conditions of approval are recommended. See section 6 ‘Consultation Response’ for details.

S106 Planning Contributions

8.10 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations.
9 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’*.

8.11 Planning obligations can be used in the following three ways: -

0

- (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.

8.11 Planning Obligations should only be sought where they are found to meet the 5 key tests of
1 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.

8.11 Circumstances may arise where it is not feasible for a development scheme to be both
2 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’*.

8.11 Similarly the circular states that decisions on the amount of contributions *‘should be based
3 [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’*.

8.11 Policy DEV4 of the adopted UDP and Policy IMP1 of the emerging Local Development

- 4 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.
- 8.11 The agent has 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. The breakdown is summarised in section 3 of this report discussed in more detail below.
- 8.11 In respect of a healthcare contribution, the Primary Care Trust (PCT) requested the developer contribute £2,378,709.00 (Capital = £545,253.00, Revenue = £1,833,456.00) towards primary care needs of future residents. Given the range of contributions being sought for this site and the five tests of the Circular 05/2005 as well as recent planning appeals, it is considered that seeking only the capital component **£545,253.00** can be readily justified as discussed below in more detail.
- 8.11 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 as follows:
- 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.
- 8.11 To summaries both cases, the Planning Inspectorate found that:
- The HUDU model has little current policy backing for its use as yet; and
 - There is a lack of in-depth information provided regarding the inputs in the spreadsheet; i.e.:
 - 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.
- 8.11 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.
- 8.12 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.
- 8.12 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.

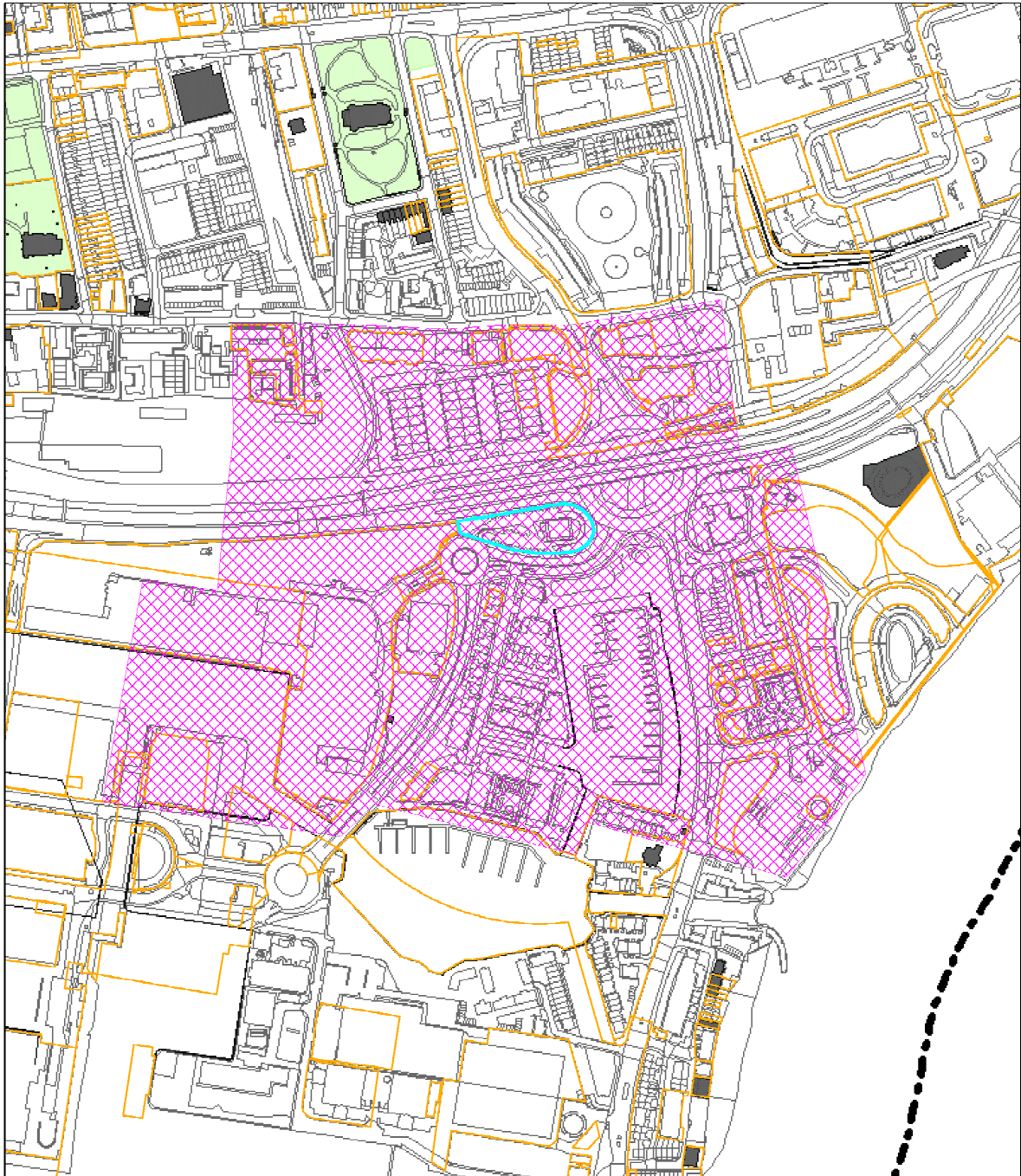
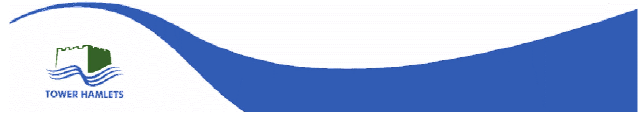
- 8.12 In line with the Appeal decisions mentioned above, and recent Planning Committee
2 decisions, the proposed development is similar in that there is insufficient evidence to
convince the Planning Department that the requested obligation is directly related to the
proposed development, necessary to make it acceptable in planning terms, or fairly and
reasonably related in scale and kind to the proposed development.
- 8.12 The request for the financial revenue contribution in this instance is therefore considered to
3 be unreasonable where it may fail to comply with Circular 05/05. The capital contribution
(**£545,253.00**) sought however is considered to be satisfactory.
- 8.12 In respect of an education contribution, the LBTH Education section indicates that the
4 proposed development will generate the need for an additional 49 school places. The
developer will be asked to contribute **£607,758.00** towards the education needs of future
residents not covered by existing provisions. This represents the full contribution requested
by LBTH education.
- 8.12 In respect of affordable housing, the scheme comprises of 30% affordable residential units,
5 and includes 1, 2, 3, 4 and 5 bedroom apartments, with a split of 70:30. A summary table as
well as discussion of the provision is provided previously under 'Housing'.
- 8.12 In respect of transport, the Traffic and Transportation Team advises **£1,500,000.00** for
6 improvements to Aspen Way roundabout and improvement to pedestrian linkages especially
to the Blackwell DLR station to the north east. The full contribution will be secured as part of
the development.
- 8.12 There will also be standard S278 highway improvements/ modifications, including: new
7 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 1 comments from the GLA. Note that comments from the GLA have not
been received.
- 8.12 A 'Car Free' agreement is recommended restrict the occupants from applying for residents
8 parking permits in the area.
- 8.12 In respect of other heads of terms, British Waterways have requested a contribution for
9 upgrade and improvement of BW land adjacent Poplar Dock which will serve as open space.
The agent indicates an initial independent estimate of £560,000.00 for such works. However,
given the available monies potentially secured and the current estimate for the transport
contributions a contribution of **£522,989.00** is realistic. The agreement will include the
requirement for the design including landscaping to be submitted for approval in writing by
LBTH prior to commencement. Council's arborculturalist and Parks and Landscape team as
well as British Waters and Natural England will need to consider the detailed design prior to
commencement.
- 8.13 Other heads of terms include Transport Assessment, TV/radio reception monitoring and
0 impact mitigation, employment/training initiatives.
- 8.13 Overall, the revised planning contributions negotiated by LBTH with the developer are
1 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.

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

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Agenda Item 7.3

Committee: Strategic Development	Date: 4 th August 2009	Classification: Unrestricted	Agenda Item No: 7.3
Report of: Corporate Director of Development and Renewal		Title: Application for planning permission	
Case Officer: Richard Humphreys		Ref: PA/09/00601	
		Ward: Mile End and Globe Town	

1. APPLICATION DETAILS

- Location:** 438-490 Mile End Road, E1.
- Existing use:** Vacant motor vehicle showroom with ancillary, workshop and offices together with an adjoining bar / nightclub.
- Proposal:** Demolition of existing structures and erection of a part 3, part 5, part 7, and part 11 storey building to provide a new education facility comprising teaching accommodation and associated facilities, student housing, cycle and car-parking, refuse and recycling facilities.
- Drawing Nos:** 160_A_P_001_01, 160_A_P_001_02, 160_A_P_001_03, 160_A_P_001_04, 160_A_P_003_01, 160_A_P_100_01 Rev 01, 160_A_P_100_02 Rev 01, 160_A_P_100_03 Rev 01, 160_A_P_100_04 Rev 01, 160_A_P_100_05, 160_A_P_100_06 Rev 01, 160_A_P_100_07 Rev 01, 160_A_P_100_08 Rev 01, 160_A_P_100_09 Rev 01, 160_A_P_100_10 Rev 01, 160_A_P_100_11 Rev 01, 160_A_P_100_12 Rev 01, 160_A_P_100_13 Rev 01, 160_A_P_100_14 Rev 01, 160_A_P_100_15 Rev 01, 160_A_P_100_16 Rev 01, 160_A_P_100_17 Rev 01, 160_A_P_100_18 Rev 01, 160_A_P_100_19 Rev 01, 160_A_P_100_20, 160_A_S_200_01 Rev 01, 160_A_S_200_02 Rev 01, 160_A_S_200_03 Rev 01, 160_A_S_200_04 Rev 01, 160_A_S_200_05 Rev 01, 160_A_S_200_06 Rev 01, 160_A_S_200_07 Rev 01, 160_A_S_200_08 Rev 01, 160_A_S_200_09 Rev 01, 160_A_E_300_01 Rev 01, 160_A_E_300_02, 160_A_E_300_03, 160_A_E_300_04, 160_A_E_300_05, 160_A_E_300_06, 160_A_D_400_01, 160_A_D_400_02 and 160_A_D_400_03.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans, adopted UDP, London Plan, emerging LDF and Isle of Dogs AAP		Development Control 020 7364 5338

Planning Statement
Design and Access Statement
PPG24 Noise Assessment
Transportation Assessment
Townscape Assessment Updated June 2009
Air Quality Assessment
Sustainability & Energy Statement (amended June 2009)
Sunlight and Daylight Report
Supplementary Sunlight & Daylight Report dated June 2009
Geo-technical Report
Townscape Images

Applicant: INTO University Partnerships and Mile End Limited Partnership.

Owners: Curzon Street Acquisition
Richard Ward
Giovanna Hussain

Historic buildings None on site. To the west, Drinking Fountain and Clock Tower, the Queen's Building and adjoining administrative building of Queen Mary University are listed Grade 2. Opposite, at Nos. 331-333 Mile End Road, the boundary wall of the cemetery of the Spanish and Portuguese Jewish Congregation Queen Mary, University of London is Grade 2 listed. To the east, No. 357 Mile End Road and Nos. 359 to 373 Mile End Road are locally listed, the Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road are listed Grade 2.

Conservation areas No. The Regent's Canal Conservation Area adjoins to the east and the Clinton Road Conservation Area lies to the north east.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1. The local planning authority has considered the particular circumstances of the application against the policies contained in The London Plan 2008, the Greater London Authority's Sub Regional Development Framework - East London 2006, the council's approved planning policies contained in the Tower Hamlets Unitary Development Plan 1998, the council's interim planning guidance 2007, associated supplementary planning guidance and Government Planning Policy Guidance and has found that:

- The provision of a new education facility comprising teaching accommodation, student housing and associated facilities is supported by policies 3A.1 and 3A.25 of The London Plan 2008, policies ST25, ST45, ST46 and HSG14 of the Tower Hamlets Unitary Development Plan 1998, policy CP7, CP24 and EE2 of the council's interim planning guidance 2007 that encourage the provision of education facilities and special needs housing at accessible locations such as this.

- The demolition of the former 'Fountain' public house complies with policy RT6: 'Loss of Public Houses' of the council's interim planning guidance 2007 as it would not create a shortage of public houses within a distance of 300 metres, there being other public houses at Nos. 410 and 359 Mile End Road.
- The scheme would not result in the overdevelopment of the site or result in any of the problems typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of The London Plan 2008, policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998 and policies DEV1 and DEV2 of the council's interim planning guidance 2007 which seek to provide an acceptable standard of development throughout the borough.
- The new buildings in terms of height, scale, design and appearance are acceptable in line with national advice in PPG15, policies 4B.1, 4B.8, 4B.10, 4B.11, 4B.12 and 4B.14 of The London Plan 2008, policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998 and policies CP49, DEV1, DEV2 and CON2 of the council's interim planning guidance 2007 which seek to ensure development is of a high quality design, preserve or enhance the character and appearance of conservation areas and preserve the setting of listed buildings.
- Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and in line with policy T16 of the Tower Hamlets Unitary Development Plan 1998, policies DEV16, DEV17, DEV18 and DEV19 of the council's interim planning guidance 2007, and national advice in PPG13 which seek to ensure developments can be supported within the existing transport infrastructure.
- Sustainability and renewable energy matters are appropriately addressed in line with policies 4A.7 – 4A.9 of The London Plan and DEV5 – 9 and policy DEV 11 of the council's interim planning guidance 2007, which seek to ensure developments reduce carbon emissions and result in sustainable development through design measures, water quality, conservation, sustainable drainage, and sustainable construction materials.
- The development would not adversely affect air quality, in line with London Plan policy 4A.19 and policy DEV11 of the council's interim planning guidance and the management of the demolition and construction phase would accord with policy DEV12 of the council's interim planning guidance.
- Contributions have been secured towards environmental improvements in the area forming part of the High Street 2012 project, pedestrian facilities on Mile End Road, towards local community education initiatives and cultural facilities, together with the implementation of travel plans,

car restricted arrangements and arrangements to ensure the teaching facility is available to the public. This is in line with Circular 05/2005, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Tower Hamlets Unitary Development Plan 1998 and policy IMP1 of the council's interim planning guidance 2007, which seek to secure contributions toward infrastructure and services required to facilitate development.

3. RECOMMENDATIONS

3.1. 1. That the Committee resolves to **GRANT** planning permission subject to:

A. Any direction by The Mayor of London.

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

1. In perpetuity, no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.
2. A financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project as follows:

Works to the footway between Harford Street and Grand Walk.	£245,000
Re- landscaping the public open space to the east of the development.	£200,000
Enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal.	£155,000
Accent lighting to "heritage" buildings at the end of Grove Road.	£ 20,000

3. A £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
4. A contribution of £100,000 towards local community education initiatives and cultural facilities.
5. A contribution of £20,000 towards local employment and training initiatives (Fastlane).
6. Arrangements that provide for the teaching facility within the development to be made accessible to the local community for up to 20 hours a month.
7. Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
8. The submission and implementation of a Travel Plan comprising a Workplace and Residential Travel Plan, a Service Management Plan and a Construction Logistics & Management Plan.
9. To participate in the council's Access to Employment and / or Skillsmatch programmes.
10. To participate in the Considerate Contractor Protocol.

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

3.3. That the Head of Development Decisions is delegated power to issue the planning permission and impose conditions (and informatives) to secure the following:

3.4. **Conditions**

1. 3 year time limit.
2. The following details to be submitted and approved:
 - Mock up of typical elevation bay to include window frame and brickwork.
 - A sample board for all external materials to include the cladding and detailing to the carport/refuse store and bicycle store.
 - Facade design and detailing @ 1:20 and 1:5 scale.
 - Brickwork: specification, setting-out (proportions) and detailing around window cills, reveals, lintels and copings @ 1:20 scale.
 - Copper cladding to entrance canopy and fascia and window reveals/spandrels @ 1:20 and 1:5 scales.
 - Window design: setting out and specification including feature vent panels and angled units.
 - Balcony guarding: material, proportions, and positioning @ 1:20 and 1:5 scale.
 - Entrance portals: doors and screens including entrance canopies @ 1:20 and 1:5 scale.
 - Structural glazing system to entrance lobbies and ground level frontages @ 1:20 and 1:5 scales.
 - Glass Reinforced Concrete (GRC) elements: window linings, spandrel panels, copings and fascia material, setting out and detailing @ 1:5 scale.
3. Details of a landscaping scheme for the development to include hard and soft finishes, green roofs, any gates, walls and fences together with external lighting and a CCTV system to be submitted and approved.
4. Approved landscaping scheme to be implemented.
5. Details of the foundation design to ensure satisfactory insulation from ground borne noise and vibration from the running tunnels of the Underground Railway to be submitted approved and implemented.
6. Decontamination measures.
7. The acoustic glazing and ventilation for the facades of the buildings shall be adequate to protect residents from Noise Exposure Category D and shall be as specified in paragraphs 5.3, 5.4, 5.5, 5.6 and 5.7 of the approved PPG24 Noise Assessment dated March 2009 by Hepworths Acoustics unless alternative arrangements are approved in writing by the local planning authority.
8. A communal heating network supplying all heat and hot water requirements in the development shall be installed, in phases if necessary, and shall be made operational prior to the occupation of the first accommodation in each phase. The communal heating network

shall thereafter serve all completed accommodation within the development. No more than 350 bed spaces of the student residential accommodation shall be occupied prior to the provision on site of an at least 100 kW electrical capacity CHP plant linked to the site's communal heating network or the connection of the development to an alternative off-site district heating network incorporating an equivalent CHP plant.

9. Prior to the occupation of the development, the developer shall submit to the local planning authority for its written approval a BREEAM assessment demonstrating that the development will achieve a minimum "Excellent" rating which shall be verified by the awarding body.
10. The approved details of the sustainable design and construction measures shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.
11. The roof terraces shall be permanently fitted with 1.8 metre high obscured glass balustrades unless alternative arrangements are approved in writing by the local planning authority.
12. Hours of construction time limits (08.00 to 18.00) Monday to Friday, 08.00 to 13.00 Saturdays and not at all on Sundays or Bank Holidays.
13. Piling hours of operation time limits (10.00 to 16.00 Mondays to Fridays, 10.00 to 13.00 Saturdays) and not at all on Sundays or Bank Holidays.
14. The development shall not commence until Transport for London and the London Borough of Tower Hamlets (as the highway authorities and the local planning authority) have approved in writing schemes of highway improvements necessary to serve the development being respectively alterations to the adopted lengths of Mile End Road and Toby Lane.
15. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.5. **Informatives**

1. Planning permission subject to section 106 agreement.
2. Planning permission under section 57 only.
3. Wheel cleaning facilities during construction.
4. Consultation with the Council's Environmental Health Department with regard to Condition 5 (Details of the foundation design).
5. Consultation with the Council's Environmental Health Department with regard to Condition 6 (Decontamination).
6. Consultation with Transport for London and the Council's Department of Traffic and Transportation regarding alterations to the public highway and Condition 14 that will necessitate agreements under section 278 of the Highways Act.
7. The Construction Logistics Plan forming part of the section 106 agreement which accompanies this planning permission should investigate the use of the Regent's Canal for the transportation of construction materials.
8. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

- 3.6. That, if within 3 months of the date of this Committee, the legal agreement has not been executed, the Corporate Director Development & Renewal be

delegated authority to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. Application is made for full planning permission for the redevelopment of the site of Nos. 438-490 Mile End Road by the erection of a part 3, part 5, part 7, and part 11-storey building to provide a new education facility comprising teaching accommodation and associated facilities; student housing, cycle and car-parking and refuse and recycling facilities.
- 4.2. The building would be 3-storey (16.6 metres high) at its eastern end rising to the west to 11-storeys (32.2 metres). The eastern part of the building would have northern and southern wings linked at ground and 1st floor levels. The development would comprise two main elements:
- (i) A new education / teaching facility and;
 - (ii) Student living accommodation.
- 4.3. In addition, the scheme proposes a café / restaurant (ancillary to the teaching facility); amenity space; two car parking spaces for disabled people, servicing areas; provision for cycle and motorcycle parking; refuse and recycling storage areas; and landscaping.
- 4.4. The education facility would be operated under the auspices of INTO University Partnerships, providing foundation courses for students before they enter undergraduate and post-graduate degree courses. The teaching facility would support over 300 full-time students.
- 4.5. The education space would be arranged around a large central double-height circulation zone which would also provide break-out space and informal meeting / seating areas for the students, along with a café / restaurant facility. Formal teaching rooms would be provided at the eastern end of the building fronting Mile End Road and have been designed to provide flexible accommodation which could be sub-divided into different sizes / configurations to meet specific occupational requirements. Further teaching spaces would be provided on the upper floors, including within the central-core which would rise through the building to sixth floor level.
- 4.6. The southern (rear) and upper parts of the building would provide student living facilities arranged as either single studio or clusters with private kitchen and bathrooms. 5% of the units have been designed to wheelchair accessible standards. The student living accommodation proposes 631 bed spaces split between:
- 14 x 7 bed clusters
 - 38 x single studios
 - 200 x 1 bed units
 - 27 x 1 bed (accessible)
 - 134 x 2 bed units

- 4.7. Whilst Queen Mary University (QMUL) is not directly involved in the development, the developer anticipates that over half the bed spaces would be occupied by students studying with the INTO teaching facility within the building, with the remaining rooms made available for QMUL students studying on the main campus.
- 4.8. Tree planting would be undertaken along Mile End Road and at the eastern end of the site. The proposal incorporates a range of amenity space provision, including roof terraces, sky-gardens and areas of communal landscaping as follows:
- Roof terraces = 269 sq m
 - Sky gardens = 301 sq m
 - Communal gardens = 988 sq m
- 4.9. The proposal does not include car-parking for either students or staff although two spaces for disabled people would be provided at the south-east corner of the building accessed off Toby Lane. A third parking space in this location would be used as a light goods servicing bay with three adjacent spaces for motor cycles. Secure cycle parking for 388 bicycles would be provided within an enclosed area at the eastern end of the site and there would be visitor bicycle stands adjacent to the main entrance points on Mile End Road.

Site and surroundings

- 4.10. The site comprises 0.47 hectare located on the southern side of Mile End Road. It is broadly rectilinear with a 145 metre long frontage to Mile End Road.
- 4.11. Most of the site was occupied until April 2009 as showrooms for the sale of motor vehicles. The existing buildings on the site comprise 2 and 3-storey development. Vehicle repairs were undertaken in associated workshops and there are ancillary offices. Motor vehicles were displayed on the forecourt and in an open sales yard at the eastern end of the site.
- 4.12. The development site includes the former 'Fountain' public house, No. 438 Mile End Road most recently used as a bar / nightclub. This is a 2-storey building with rear vehicular access to Toby Lane.
- 4.13. In total, there is approximately 2,700 sq. m of existing accommodation across the site split between the car showroom use (2,429 sq. m) and the bar/nightclub (240 sq. m).



Existing buildings. Application site marked by broken line

- 4.14. Mile End Road is a strategic London distributor road the A11. It is a 'red route', part of the Transport for London Road Network. The site at present has three vehicular accesses onto Mile End Road. There is a 'pelican' crossing across Mile End Road at the eastern end of the site and a further pedestrian crossing immediately east of Harford Street which runs south from Mile End Road. Toby Lane, which runs in a dog leg between Harford Street and Solebay Street, is a borough road. Mile End Road is part of the proposed 'High Street 2012' Olympic Boulevard leading to the Olympic Park.
- 4.15. Opposite the site, on the northern side of Mile End Road, is the Queen Mary University (QMUL) campus (part of the University of London) that is accommodated in a number of buildings of varying heights. The campus occupies some 10 hectares extending northwards towards Meath Gardens. Within the campus, 90 metres east of the application site, the white stone Drinking Fountain and Clock Tower and the 1930's Queen's Building (formerly the Peoples Palace) are listed Grade 2. The adjoining 3-storey administrative building of Queen Mary College dates from 1890, designed in ornate classical style, and built as the original Peoples Palace, is also Grade 2 listed. Opposite the application site at Nos. 331–333 Mile End Road, the boundary wall of the cemetery of the Spanish and Portuguese Jewish Congregation Queen Mary, University of London is also Grade 2 listed.
- 4.16. Adjoining the application site to the west, 'Lindop House,' No. 432 Mile End Road is a part 6, part 7-storey building providing student housing. There is also a recent development of student housing to the rear of Lindrop House in Toby Lane / Solebay Street named 'Rahere Court' which adjoins an ambulance station on the corner of Toby Lane / Harford Street.
- 4.17. To the south of Mile End Road lies the Ocean Estate, a large post-war municipal housing development comprising mostly a series of medium – high rise (6-9 storeys) slab locks arranged around a series of courtyards and open spaces. The estate has a frontage onto Mile End Road to the west of the application site presenting a series of blocks running perpendicular to the road separated by areas of landscaping.
- 4.18. To the east and south-east of the application site, part of the Ocean Estate comprises a modern residential development of 2 and 3-storey dwellinghouses on Canal Close, Union Drive, and Grand Walk. The houses on Grand Walk lie

alongside the Grand Union (Regent's) Canal and fall within the council's recently designated Regent's Canal Conservation Area. This adjoining development on Grand Walk has rear windows overlooking the former open sales yard of the development site and is separated from it by rear gardens 7 – 10 metres long.

- 4.19. Mile End Park, designated as Metropolitan Open Land, lies to the east of the Regent's Canal with the interconnecting 'Green Bridge' crossing Mile End Road.
- 4.20. The site contains no buildings included within the Statutory List of Buildings of Architectural or Historic Interest. In the vicinity of the application site, in addition to the listed buildings within the QMUL campus; No. 357 Mile End Road (34 metres north east of the site) and the terrace Nos. 359 to 373 Mile End Road east of the Regent's Canal (all on the northern side of Mile End Road) are included within the council's non-statutory local list. The Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road, is statutorily listed Grade 2. The buildings on the northern side of Mile End Road east of the canal lie within the designated Clinton Road Conservation Area.
- 4.21. The urban grain of the development site and its environs is badly fragmented following war damage. Immediately south of the site, lies the Council's Toby Lane Depot occupied by Tower Hamlets Catering and Transport Services. A new kitchen building has recently been constructed in the north eastern corner of the depot abutting the development site.
- 4.22. The site has good public transport accessibility. Mile End Station on the Central and District Lines of the Underground Railway lies 250 metres to the east. Bus routes 25 and 208 serve Mile End Road. There are a further five bus routes serving the Mile End area - Nos. 229, D6, D7, 425 and 277. The western part of the site has a Public Transport Accessibility Level (PTAL) of 5 and the eastern yard scores PTAL 6a where 1 is low and 6 is high. The running tunnels of the Underground Railway lie beneath the site and adjoining parts of Mile End Road.

Material planning history

- 4.23. There is no material planning history affecting the application site.
- 4.24. On 25th October 2007, the council granted planning permission and listed building consent for the re-development of former car park and workshop at Nos. 331-331 Mile End Road (opposite the current application site) by the erection of a 5-storey Humanities Building for Queen Mary University of London. The new building is currently under construction and will comprise academic offices, teaching rooms, seminar rooms, a film and drama studio and a 300 seat lecture theatre. Associated landscaping involves modifications to the listed wall of the cemetery of the Spanish and Portuguese Jewish Congregation.

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. **Spatial Development Strategy for Greater London (The London Plan 2008)**

Policies	2A.1	Sustainability criteria
	3A.3	Maximising the potential of sites
	3A.5	Housing choice
	3A.6	Quality of new housing provision
	3A.7	Large residential developments
	3A.10	Negotiating affordable housing
	3A.13	Special Needs Housing
	3A.25	Higher and further education
	3C.1	Integrating transport and development
	3C.2	Matching development to transport capacity
	3C.3	Sustainable Transport
	3C.23	Parking strategy
	4A.1	Tackling climate change
	4A.2	Mitigating climate change
	4A.3	Sustainable design and construction
	4A.4	Energy assessment
	4A.5	Heating and cooling networks
	4A.6	Decentralised energy
	4A.7	Renewable Energy
	4A.9	Adapting to climate change
	4A.11	Living roofs and walls
	4.A.14	Sustainable drainage
	4A.16	Water supply and resources
	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
	4B.8	Respect local context and communities
	4B.10	Large scale buildings, design and impact
	4.B.11	London's built heritage
	4B.12	Heritage conservation
	5C.1	The strategic priorities for North East London
	6A.5	Planning obligations

5.3. **Tower Hamlets Unitary Development Plan 1998 (saved policies)**

Proposals: Unallocated. Within 15 metres of a strategic road. Designations within the vicinity of the site are as follows:

- Queen Mary College lies within an Arts, Culture and Entertainment Area.
- Mile End Park - Metropolitan Open Land.
- The Grand Union Canal - Green Chain.

Policies:

- ST23 - High Quality Housing
- ST25 - Housing to be adequately served by all infrastructure
- ST28 - Restrain unnecessary use of private cars
- ST43 - Public Art
- ST45 – Ensure sufficient land for education needs
- ST46 – Encourage education and training provision at accessible locations.
- DEV1 - Design Requirements
- DEV2 - Environmental Requirements
- DEV3 – Mixed Use Development
- DEV4 - Planning Obligations
- DEV12 - Provision of Landscaping
- DEV51 - Contaminated land
- DEV55 - Development and Waste Disposal
- DEV56 - Waste Recycling
- DEV69 - Efficient Use of Water
- EMP1 – Promoting Employment Growth
- HSG13 - Internal Space Standards
- HSG14 – Special needs housing
- T16 – Impact of traffic generation
- T18 – Safety and convenience of pedestrians
- T21 - Pedestrian Needs in New Development

5.4. **Interim planning guidance: Tower Hamlets Core Strategy and Development Control Plan September 2007**

Proposals: Unallocated except for 'Proposed Cycle Route'. Designations within the vicinity of the site are as follows:
Mile End Park - Metropolitan Open Land, Public Open Space and Site of Importance for Nature Conservation.
The Grand Union Canal - Green Chain and part of the Blue Ribbon Network.

Core Strategies	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP20	Sustainable residential density
	CP24	Special Needs and Specialist Housing
	CP25	Housing Amenity Space
	CP29	Improving education and skills
	CP31	Biodiversity
	CP38	Energy Efficiency & Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network

	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment
Development Control Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	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
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	EE2	Redevelopment / Change of Use of Employment Sites
	RT6	Loss of Public Houses
	HSG1	Determining Residential Density
	HSG7	Housing amenity space
	CON2	Conservation Areas

5.5. **Supplementary Planning Guidance/Documents**

Designing Out Crime
Landscape Requirements
The Mayor of London's Housing Supplementary Planning Guidance
East London Sub Regional Development Framework 2006
English Heritage/CABE Guidance on Tall Buildings

5.6. **Government Planning Policy Guidance/Statements**

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport
PPG15 Planning and the historic environment
PPS22 Renewable Energy
PPG24 Noise

5.7. **Community Plan**

The following Community Plan objectives relate to the application:

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

5.8. **Other material considerations**

1. The Government White Paper. The Future of Higher Education 2003
2. Draft Local Development Framework Core Strategy – Options and Alternatives for Places: Stage Two Paper (February 2009)

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.

Greater London Authority (Statutory consultee)

- 6.2. The tallest part of the development would be 32.2 metres high and the application is referable to the Greater London Authority under Category 1C of the Mayor of London Order 200: *“Development which comprises or includes the erection of a building more than 30 metres high and outside the City of London.”*

- 6.3. At Stage 1, the GLA advised that The London Plan policies on higher and further education, urban design, inclusive access, climate change mitigation and adaptation, and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

Higher and further education: The provision of an academic facility and student accommodation is supported in line with London Plan Policy 3A.25.

Urban design: The scale and form of the proposal is accepted, and the design amendments are strongly supported.

Inclusive access: The proposed development broadly complies with London Plan Policy 4B.5.

Climate change mitigation and adaptation: The applicant should remodel the carbon emissions to include non-regulated energy uses, and confirm that it has used building regulations approved software. In addition, the applicant should provide further information regarding the energy efficient design measures, the proposed heating and cooling system, and the renewable energy strategy.

Transport: The applicant should undertake a pedestrian assessment of the

footway on the south side of Mile End Road and the signalised pedestrian crossing to the east of the site. The applicant should also clarify the exact location of proposed footway widening along Mile End Road, and whether any changes to access to the site will affect the bus lane or conflict with the position of bus stops. The applicant should also submit a construction logistics plan, a delivery and servicing plan and detailed travel plan. The provision of a cycle lift and CCTV at the cycle storage should be investigated.

- 6.4. (Officer comment: The applicant has responded to the GLA's queries regarding climate change mitigation and adaptation. Subject to a condition being applied to any planning permission concerning the provision of a single energy centre for the development, the GLA now advises that there are no outstanding energy issues. Such a condition is recommended above.
- 6.5. The applicant has also responded to the GLA's queries regarding transport matters. The authority has now advised that the design of the footway adjacent to the site, the impact on bus stops and bus lane and cycle parking arrangements are all satisfactory. A £20,000 contribution is requested to enhance the pedestrian crossing on the Mile End Road. The applicant has agreed to the requested contribution and to submit and implement a Travel Plan. A condition is recommended to secure the installation of a CCTV system. Provided these issues are secured, the GLA advises that there are no outstanding objections from Stage 1)

Transport for London (Statutory consultee)

- 6.6. Advises that the impact of the development on the public transport network will be minimal. There should be a car free agreement restricting future occupiers from eligibility for on-street permits. This would comply with London Plan Policy 3C.20 and minimise the potential for overspill parking which might disrupt bus operations. In accordance with TfL standards and London Plan Policy 3C.22, TfL supports the provision of one cycle space for every two students and academic and commercial users. CCTV security should be provided. The applicant will be required to enter into a section 278 agreement for the removal of three crossovers on Mile End Road. Welcomes the funding of improvement to the footway along Mile End Road as part of the 2012 project, although capacity should be assessed. Requests a £20,000 contribution to enhance the pedestrian crossing on the Mile End Road. A Construction Logistics Plan should investigate the use of the Regent's Canal. A Travel Plan should be secured through a section 106 agreement.
- 6.7. (Officer comment: The applicant has agreed to TfL's requests and appropriate heads of agreement, conditions, and informatives are recommended above).

London Underground Limited

- 6.8. Confirms the developer has consulted London Underground. No comments to make on the application except that the developer should continue to work with LU engineers.

Olympic Delivery Authority (Statutory consultee)

- 6.9. No objection. The proposal does not conflict with any of the principles to which the ODA shall have regard to in discharging its planning functions.

English Heritage (Statutory consultee)

- 6.10. Mile End Road forms part of the High Street 2012 route. It is important that any development of this scale is of a quality commensurate with the fine range of University buildings on the north side of the road. Should the proposal be approved, it is essential that adequate conditions are attached with regard to materials and details and to ensure that additional street trees are planted, as proposed. Recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of the council's specialist conservation advice.
- 6.11. (Officer comment: Conditions regarding facing materials and detailed design are recommended above. The proposal involves new planting within the development site along Mile End Road and a condition to ensure landscaping within the site is also recommended. The High Street 1012 improvements will be undertaken by Tower Hamlets and Newham Councils, London Thames Gateway Development Corporation and Transport for London and will include additional tree planting on the public highway. The applicant has offered a contribution to the funding of these works within the Mile End Intersection Area Study).

Commission for Architecture and the Built Environment (CABE)

- 6.12. Unable to review the scheme due to resource limitations.

Thames Water Plc

- 6.13. No objection regarding water infrastructure.

Metropolitan Police

- 6.14. Happy with the design with improvements in the streetscape and the creation of an active frontage.

London Fire and Emergency Planning Authority

- 6.15. Satisfied with the proposals in relation to fire precautionary arrangements.

British Waterways Board (Statutory consultee)

- 6.16. No objection but advises that the submitted Sustainability and Energy Statement does not consider the use of the canal and heat exchange technology. Requests a section 106 contribution towards the improvement and enhancement of the waterway as the development will bring more residents and visitors to the area benefiting from the setting of the canal and towpath but putting additional pressure on infrastructure and BWB's maintenance programme.
- 6.17. (Officer comment: The applicant advises that the option to use canal water for

the cooling of the development was considered by their Sustainability Consultant in the early design stages. It was found not to be feasible because of the difficulty in routing pipe work from the building to the canal. There are no routes from the proposed building to the canal that do not pass through either privately owned land or underneath Mile End Road. Neither of these options was deemed feasible. This is accepted.

- 6.18. The developer has offered to fund environmental improvements in the local area namely the High Street 2012 project. This would include enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal towpath. These works would partially embrace BWB's request and are considered fairly and reasonably related in scale and kind to the proposed development. It is considered that any further unspecified and unquantified payment to BWB would be unreasonable as it would not satisfy the tests for seeking planning obligations provided by Government Circular 05/2005).

Inland Waterways Association

- 6.19. No objection.

Tower Hamlets Primary Care Trust

- 6.20. No representations received.

Environmental Protection

- 6.21. The development is acceptable in terms of daylight / sunlight impacts on adjoining property. Recommends that any planning permission is conditioned to secure decontamination of the site. The building would be subject to Noise Exposure Category D where PPG24 advises that planning permission for residential development should normally be refused. If planning permission is to be granted, conditions should be imposed to ensure the undertaking of sound proofing and acoustic ventilation to provide a commensurate level of protection. Concerned about ground borne noise impact from Underground trains on the ground floor residential/educational uses.
- 6.22. (Officer comment: Conditions to secure decontamination, sound proofing and acoustic ventilation are recommended. With regard to ground borne noise, the developer advises that the foundations would be a part-raft and part-piled, the principles of which have been agreed with London Underground Limited. The foundations and superstructure would be designed to minimise the transmission of vibrations from the railway tunnels by the incorporation of either deadening or isolation measures. Given the nature of the bespoke foundation solution, it is not possible to provide details of the noise / vibration measures until the detailed design stage. The developer however is confident that the solution will ensure a satisfactory living and working environment for future occupiers. It is suggested that this issue can be dealt with via a planning condition and an appropriate condition is recommended above).

Traffic and Transportation

6.23. No objection on highway grounds. The site is in an area of excellent public transport accessibility and bicycle parking accords with standards. There will need to be agreements under the Highways Act with the council and Transport for London for works affecting the public highway. Recommends a section 106 agreement to secure:

- Car free arrangements.
- The submission and implementation of a full Transport Plan, a Construction Management Plan and a Service Management Plan.

(Officer comment: An appropriate condition and heads of agreement are recommended above).

The Olympic Team (2012 Unit)

6.24. The new building accords very well with the High Street 2012 vision, replacing buildings and a land use that has had a deleterious impact on the street. It would provide a good edge and active frontage to Mile End Road and contribute to forming a busy and well overlooked street environment. A section 106 contribution is requested to help fund the High Street 2012 project.

6.25. (Officer comment: The applicant has agreed to fund works forming part of the High Street 2012 project and heads of agreement are recommended above).

Parks and Open Spaces

6.26. No comments received.

Education Development

6.27. No comments received.

Waste Policy and Development

6.28. No objection in principle.

Head of Children's Services Contract Services

6.29. Security to the Council's Toby Lane Depot should be maintained. The catering operation for the elderly and vulnerable of the community operates 365 days a year and disruption will have major implications for this group of users.

6.30. (Officer comment: The application proposes a new solid wall 2.4 m in height along the boundary of the two sites. The developer advises that they will develop the detailed design of the wall in consultation with Contract Services in order to incorporate any appropriate additional security measures. The developer also confirms that a secure boundary would be provided during the construction phase which, again, they are happy to develop in consultation Contract Services. There will be 24 hour on-site management / security provided within the proposed new facility which will monitor all boundaries and access points to the site particularly outside of normal working hours which will improve general security in the local

area including the Toby Lane Depot).

Corporate Access Officer

6.31. No comments received.

Landscape Development Manager

6.32. No comments received.

Energy Officer

6.33. Advises that the submitted energy strategy follows the energy hierarchy set out in policy 4A.1 of The London Plan 2008. Recommends that any planning permission is conditioned to ensure the provision of the means of energy efficiency and renewable energy. Also recommends a condition to ensure compliance with the Code for Sustainable Homes with a BREEAM 'Excellent' rating.

6.34. (Officer comment: Appropriate conditions are recommended).

7. LOCAL REPRESENTATION

7.1. A total of 404 neighbouring properties within the area shown on the map appended to this report were notified about the applications and invited to comment. The application has also been publicised in East End Life and by four site notices. The number of representations received from neighbours following publicity is as follows:

No of individual responses:	Objecting:	Supporting:
15	10	5

No. of petitions received: 2

7.2. Material points from neighbours in support of the development may be summarised as:

- Loss of the night club is welcomed as it was problematical and caused mess and noise.
- The area would benefit from the development as the current garage looks poor. The design would be a wonderful addition to the neighbourhood.
- Providing student housing and a teaching facility next to the University is a good logical idea.
- The development would ensure surveillance of the road and make it much safer.
- The development will hopefully ensure that the site is put to useful use it being a worry when sites sit idle for years falling into disrepair.

- The development includes sustainable elements and would be 'greener.'

7.3. Material objections from neighbours may be summarised as:

- The site would be better used as public open space.
- The site should be redeveloped to provide affordable housing.
- The site should be used to provide a multi-storey car park for local residents.
- The garage and nightclub provided services to the local community. The development would provide little such value and should include more shops and restaurants.
- The design and appearance of the development would not enhance the area and would not compliment the tranquillity of the canal or Mile End Park.
- Excessive height and density.
- Compared to other boroughs, Tower Hamlets already caters for students. The development would not be socially inclusive and would not reduce pressure on the supply of general housing.
- Loss of light and privacy to houses and residential gardens in Grand Walk.
- Increased traffic generation.
- Insufficient parking.
- The development would lead to overcrowding on buses and trains.
- Increased noise and disturbance. Students are not necessarily good neighbours.
- Potential for increased crime and antisocial behaviour due to the number of bicycles on the site.

7.4. (Officer comment: See paragraphs 7.13 to 7.20 below).

7.5. Non-material objections from respondents may be summarised as:

- Disturbance during construction with increased pollution and dust.
- Refuse arrangements should be properly managed to avoid problems with vermin.

7.6. The 1st petition is signed by 22 local residents (15 living in Grand Walk, 5 living in Canal Close and 2 living in Union Drive). Objection is raised due to the affects the development would have on the local community as follows:

- Height of the building would result in loss of privacy and natural light (18 signatures).
- Noise (3 signatures).
- No facilities for local tenants (1 signature).
- The area needs more social housing not student accommodation (1 signature).
- Refuse storage arrangements (2 signatures).
- Disruption during construction (1 signature).

7.7. (Officer comment: See paragraphs 7.13 to 7.20 below).

7.8. The 2nd petition has been signed by 113 residents of the Ocean Estate including 23 residents living in the development comprising Grand Walk, Canal Close and Union Drive. The petitioners consider the proposed 6 and 11-story buildings would:

- Fail to respect their local context (particularly in relation to this part of Mile End Road, Queen Mary University, the Regent's Canal and Mile Park).
- Result in material deterioration of amenity.

7.9. (Officer comment: See paragraphs 7.13 to 7.20 below).

Ocean Estate Tenants and Leaseholders Association

7.10. The 2nd petition is accompanied by a covering letter from the Ocean Estate Tenants and Leaseholders Association. The Association says that the garage and showroom site need to be integrated with the wider urban fabric but the proposed “*megablocks*” would be higher and longer than all the other buildings in this part of Mile End Road. The taller block would be at an angle to the pavement and would be a crude ill-mannered development that would not enhance the settings or the character and appearance of nearby listed and locally listed buildings. The development would not reintegrate the site into the wider urban fabric; rather it would be out of context and destroy the existing harmonious mix of buildings along this part of Mile End Road. The development fails to respond to the Regent's Canal Conservation Area and Mile End Park which would be blighted by the overwhelming bulk proposed. Slim, elegant towers would be more appropriate.

7.11. The Association adds that residents of Grand Walk and Canal Close would be overlooked, overshadowed, suffer additional noise from roof gardens and a development which would be active both day and night. There is also concern about noise and traffic problems associated with the service route via Toby Lane. The inclusion of this former industrial site within the Mile End education campus would set a precedent for further expansion of the campus to embrace industrial premises on the north side of Solebay Street and the subsequent loss of parts of the Ocean Estate.

7.12. The 2nd petition is endorsed by the Lead Member of Employment and Skills.

7.13. (Officer comments: The site is unallocated on the Proposals Map of the Tower Hamlets Unitary Development Plan 1998. Planning permission should not be refused on the ground that there might be an alternative use that might be preferred to the proposed education facility, there being no statutory basis for a “competing needs test” in town planning decisions.

7.14. As explained in ‘Material Planning Considerations’ below, the proposed new building in architectural terms would be a significant improvement over the existing car show room and former public house and would reinstate a badly fragmented streetscape. The new building would preserve the setting of listed

and locally listed buildings in the vicinity, which are mostly some distance from the site. The development would also preserve and potentially enhance the character and appearance of both the Regent's Canal and Clinton Road Conservation Areas. English Heritage has not raised any objection and the design is "*strongly supported*" by the Greater London Authority. Tall towers would fail to reinstate a coherent street frontage which is considered to be a principle urban design objective at this location. It is also considered that the development would not blight either the Regent's Canal or Mile End Park.

- 7.15. As explained at paragraphs 8.56 to 8.67 below, save for the occasional immaterial breach, the development would comply with council policy and the BRE Guidelines regarding the amount of sunlight and daylight reaching the adjoining houses and gardens on Grand Walk and Canal Close. Environmental Protection confirms that the resultant conditions would be satisfactory.
- 7.16. As explained at paragraphs 8.68 to 8.71 below, due to separation distances between the buildings, and design measures comprising angled windows and obscure glass balustrading to roof terraces; the privacy of houses and gardens in Grand Walk and Canal Close would be maintained.
- 7.17. By providing special needs housing, the development would reduce pressure on the supply of general housing. The developer has offered to be bound by arrangements that provide for the teaching facility to be made accessible to local people, to make contributions towards local community education initiatives, cultural facilities and training initiatives.
- 7.18. The development, together with the recommended 'car free' agreement, would substantially reduce traffic generation compared to the former motor vehicle use. The applicant estimates a reduction of minus 48 vehicle trips in the AM Peak and a reduction of 54 trips in the PM Peak. The site is highly accessible to public transport and parking provision would be minimised in accordance with policy requirements. The applicant estimates increases of 58 Underground and 16 bus trips in the AM Peak and 25 Underground and 12 bus trips in the PM Peak. There is no objection from Transport for London regarding public transport capacity.
- 7.19. In terms of noise, the uses would be satisfactory in a mixed-use area such as this and the council has power to control any statutory nuisance. The bicycle storage would be secured by a 24 hour 'key fob system' and a condition is recommended to secure the installation of a CCTV system.
- 7.20. Servicing for the teaching and cafe uses is proposed from the existing loading bay on the north east corner of the development on Mile End Road and would have no impact on Toby Lane. The student accommodation would be serviced at the south west corner of the development from Toby Lane via the existing access that served the Fountain PH. This would be limited to bi-weekly waste collections. There would be just two parking spaces for disabled people at this location, together with three motor cycle spaces and a space for a contractor's light goods vehicle to allow for the inspection, maintenance, and repair of the mechanical, electrical and fire safety apparatus within the building. Additional traffic generation onto Toby Lane, which carries traffic to the Council's Toby

Lane Depot, would therefore be very low and ensuing conditions would not adversely affect residential amenity in Harford Street, Toby Lane or Solebay Street. The proposed arrangements would be reinforced by the recommended Travel Plan. Any further application for planning permission to expand the education cluster at Mile End Road would need to be treated on individual planning merit and it is not considered that the development poses any threat to the Ocean Estate).

Queen Mary University of London (QMUL)

- 7.21. The College support the principle of the development but comments on the design, internal layout, rent levels, noise, transport, and links to the QMUL campus.

Design

- 7.22. QMUL does not object to the scale, bulk and massing of the scheme but say the design will significantly impact on local views, townscape, and the character of the surrounding area. The College remain to be convinced that the scheme will positively contribute to the townscape. QMUL request that the council pays regard to the investment it has made in its campus over the last two decades and makes it a condition of any planning permission that the external building materials and specifications proposed in the application are used if the scheme is implemented.

Internal layout

- 7.23. The application originally proposed that the student accommodation would be arranged as two bedrooms sharing kitchen space. QMUL advised that this did not follow their model which would normally provide cluster flats for undergraduates, with some self-contained accommodation for mature / postgraduate students. A scheme of this type would be expected to provide at least 70% of the rooms in cluster flats of 4 to 8 bedrooms and no more than 30% as studio flats. The University suggested that final layout details be reserved by condition. In response, the developer has redesigned the internal layout to conform to the QMUL model. The revised layout is now commended by QMUL.

Rent level

- 7.24. Rent levels and the affordability of student accommodation are a key concern to QMUL to ensure students have access to affordable accommodation close to the campus and of an appropriate standard. Whilst QMUL is not directly involved in the development, they say they would be willing to enter into an agreement with the developer to secure the affordability of some rooms for QMUL students at a rent QMUL consider affordable. QMUL suggest the council requires the developer to enter into a section 106 agreement with the College to provide not less than 150 rooms at a rent comparable to similar QMUL accommodation.

Noise

- 7.25. QMUL seek confirmation that the rooms would offer a satisfactory internal environment for a student occupier.

Transport

- 7.26. QMUL is concerned that the application documents link the development with its campus. It is a speculative development and the transport impact of the proposed student accommodation should be considered as a stand-alone scheme with no beneficial linkage that might flow from future association with QMUL.

Provision of student rooms

- 7.27. Whilst the College supports a scheme to deliver additional student accommodation, QMUL seek assurance that this would not impact on their ability to provide up to 700 rooms on its campus purely for QMUL students, as outlined in the council's publication 'Student Accommodation in Tower Hamlets' August 2008.

- 7.28. (Officer comments: QMUL appear concerned that the design proposed at this application stage might be watered down. Should permission be granted, to preclude this, conditions are recommended to ensure the final approval of crucial design elements indicated on the material submitted to date. There are no planning policies to secure affordable housing for students. The council's powers under section 106 of the Planning Act do not extend to requiring other parties to enter into agreements between themselves and it is not considered that the council should be involved in overseeing any commercial arrangements between the developer and Queen Mary University. In a subsequent letter, QMUL confirm that the University is in discussions with the applicant regarding a nominations agreement for 108 rooms. A condition is recommended to require the approval of details of acoustic glazing to ensure satisfactory living conditions. The proposal has been assessed as a stand-alone scheme in transport terms and is satisfactory with a reduction of vehicular traffic onto Mile End Road. Officers see no in principle planning reason why the development would impact on any proposal by QMUL to provide rooms on its campus for QMUL students).

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

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1. The main planning issues raised by the application that the Committee must consider are:
- Land use.
 - The amount of accommodation
 - Urban design and the effect of the development on the character and appearance of the Regent's Canal Conservation Area and the setting of

listed buildings.

- Contribution to 'High Street 2012.'
- Amenity of adjoining premises.
- Access and servicing arrangements.
- Amenity space and landscaping.
- Sustainable development/ renewable energy.
- Air quality.
- Planning obligations.

Land use

- 8.2. London is an international centre for the creative industries and the knowledge economy. It is a world centre of academic excellence and providing research. It leads in providing skilled workers in a global economy. The city attracts students and scholars from all over the world. The borough has two main universities: Queen Mary University of London, with its campuses at Mile End and The Royal London Hospital at Whitechapel, and London Metropolitan University in Aldgate.
- 8.3. In a national context, the Government's 2003 White Paper, 'The Future of Higher Education' proposes to increase the number of students in higher education to 50% of 18-30 year olds by 2010 from the 2008 level of 43%.
- 8.4. In requiring local planning authorities to identify and plan for the accommodation requirements of its population, the Government's Planning Policy Statement 3: 'Housing' acknowledges that students need to be considered in local housing needs assessments.

The London Plan 2008

- 8.5. The London Plan 2008 provides the mayor's strategic objectives the most relevant of which to this application are to:

"Make the most sustainable and efficient use of space in London and encourage intensification and growth in areas of need and opportunity ...

Achieve targets for new housing... that will cater for the needs of London's existing and future population

Create incentives and opportunities to stimulate the supply of suitable floorspace in the right locations to accommodate economic growth, including mixed uses"

- 8.6. The London Plan recognises the role of higher education in supporting London's position as a world city, along with the benefits resulting from associated employment opportunities and by attracting investment into the economy.
- 8.7. In terms of housing, The London Plan seeks to increase the supply of accommodation (Policy 3A.1) by ensuring that proposals achieve the maximum intensity of use compatible with local context, design policy principles and public

transport capacity (Policy 3A.3). Policy 3A.5 requires boroughs to take steps to identify the full range of housing needs in their area. Paragraph 3.39 of The Plan acknowledges the importance of purpose-built student housing and the role it plays in adding to the overall supply of housing whilst reducing pressure on the existing supply of market and affordable housing. Policy 3A.13 requires the borough's policies to provide for special needs housing which embraces student housing.

- 8.8. Policy 3A.25 of The Plan states that the mayor will work with the higher education sectors to ensure the needs of the education sectors are addressed by:
- *“Promoting policies aimed at supporting and maintaining London’s international reputation as a centre of excellence in higher education;*
 - *Taking account of the future development needs of the sector, including the provision of new facilities and potential for expansion of existing provision;*
 - *Recognising the particular requirements of Further and Higher Education Institutions for key locations within good public transport access, and having regard to their sub-regional and regional sphere of operation; and*
 - *Supporting the provision of student accommodation”.*

Sub Regional Development Framework - East London 2006

- 8.9. The Sub Regional Development Framework for East London 2006 provides guidance to east London boroughs on the implementation of policies in The London Plan. In terms of education, the Framework recognises the significance of the sector in terms of London’s overall economic base, notes that the East London Sub-Region accommodates five higher education institutions and over 44,000 students (12% of the London total) and encourages opportunities for the provision of academic facilities and student housing.

Tower Hamlets Unitary Development Plan (UDP) 1998

- 8.10. Except for indicating a cycle route, the site is unallocated on the Proposal Map of the Tower Hamlets Unitary Development Plan 1998.
- 8.11. It is considered that the development accords with UDP strategic policy as follows. Policy ST25 seeks to ensure that new housing developments are adequately serviced by social and physical infrastructure and by public transport provision. Policy ST45 seeks to ensure that sufficient land is available for education needs whilst policy ST46 encourages education at accessible locations such as this.
- 8.12. In terms of student housing, UDP policy HSG14 states that the council will encourage development which meets the needs of residents with special needs, including students. The Plan explains (paragraph 5.29) that the council will consider student housing in a variety of locations providing there is no loss of permanent housing and notes that additional provision could release dwellings

elsewhere in the borough in both the public and private rented sector.

Core Strategy and Development Control interim planning guidance 2007

- 8.13. On the Proposals Map of the Core Strategy and Development Control interim planning guidance 2007, the site is again unallocated except for showing a 'Proposed Cycle Route'.
- 8.14. The Strategy includes a 'Key Diagram' which provides the overall Spatial Strategy which identifies a 'Higher Education Cluster' focussed on the existing QMUL campus at Mile End.
- 8.15. Policy CP7 adds that the council will seek to bring investment into the borough, safeguard and enhance the number and range of jobs available to local residents and promote the sustainable creation of 100,000 additional jobs to 2016. In order to help achieve this objective, the guidance supports the improvement and expansion of the higher educational facilities around London Metropolitan University in Aldgate, the Royal London Hospital in Whitechapel and the Queen Mary University Campus in Mile End.
- 8.16. In terms of economic prosperity, the Strategy identifies the borough's educational institutions as integral to enabling local resident's access to jobs and their benefit to the rapid regeneration taking place in the borough.
- 8.17. In terms of designating employment land, the Core Strategy adopts The London Plan hierarchy of 'Strategic Industrial Locations' and 'Local Industrial Locations' as the primary means of directing and safeguarding employment land and uses. The application site does not fall under either of these employment designations.
- 8.18. In relation to non-designated employment sites, the Core Strategy seeks to:
- a) retain sites for industrial employment where they are well located in relation to road and public transport networks;
 - b) retain sites for office uses where they benefit from high levels of public transport or are in / on the edge of town centres; and
 - c) retain sites where there is current or future demand for employment use.
- Where a site is not viable for an existing employment use the council will seek alternative employment uses to suit the location and the site.
- 8.19. Policy EE2 states that the redevelopment of existing or former employment sites may be considered appropriate where:
- (i) the applicant has shown the site is unsuitable for continued employment use due to its location, accessibility, size and condition;
 - (ii) there is evidence that there is intensification of alternative employment uses on site;
 - (iii) the retention or creation of new employment and training opportunities which meet the needs of local residents are maximised in any new proposal; and
 - (iv) there is evidence that re-use for similar or alternative employment uses has

been explored or there is recent evidence the site is suitable for ongoing employment use.

- 8.20. The former use of the site provided limited opportunities in terms of employment. The applicant estimates that the motor vehicle use provided 20 to 30 jobs whilst the proposed development would result in the provision of 200+ jobs. Specifically, the proposed facility is anticipated to support in the region of 180 jobs including teaching staff and administration along with cleaning, catering, portage, maintenance and security. This represents a significant increase over the former use in compliance with the employment policies of the council's interim planning guidance.
- 8.21. Policy RT6: 'Loss of Public Houses' supports the loss of public houses provided it can be demonstrated that the loss would not create a shortage of public houses within a distance of 300 metres. Whilst the Fountain public house was last used as a nightclub and the policy may not be entirely relevant, there would be no policy breach, there being other public houses at Nos. 410 and 359 Mile End Road.
- 8.22. With regard to the proposed provision of special needs housing, the Core Strategy identifies population growth and housing need as the key drivers to change in the borough. In response, policy CP24 states that the council will promote special needs and specialist housing by, inter alia, focusing purpose built student housing on the Queen Mary University Campus and in close proximity to the London Metropolitan University at Aldgate. The justification for this policy notes that whilst student accommodation supports the borough's universities, it does not directly contribute to meeting the borough's housing needs and, therefore, is not a preferred use throughout the borough.
- 8.23. In support of higher education is the need to provide sufficient living accommodation for London's significant and diverse student population. However, there is currently an acute shortage of purpose-built accommodation within the capital, resulting in a significant mismatch between demand and supply. At the regional level, there are currently some 250,000 full-time students studying in London. However, only 16% live in purpose-built accommodation, the balance living either at home (16%) or houses in the private rented sector (55%).
- 8.24. There are approximately 20,000 full-time students based at the borough's three higher education institutions. However, less than a quarter currently live within specialist housing, whilst demand surveys indicate that up to 40% of students are seeking purpose-built accommodation. At the local level, there are some 15,000 students at QMUL. However, the campus provides purpose-built accommodation for just 2,112 students; the remainder being forced to find accommodation within the private rented sector or stay at home. The impact of these students taking up accommodation in the private rented sector is a reduction in the general housing stock and, in particular, of larger units which are attractive for multiple-occupation. This is a particular issue for Tower Hamlets which has significant problems of housing shortage, especially family-sized units.

- 8.25. It is considered that the provision of student housing at the application site would address current needs in relation to the shortage of specialist student housing in the borough, whilst reducing pressure on the general housing stock, in accordance with the policies of the council's interim planning guidance outlined above.

Draft Local Development Framework Core Strategy – Options and Alternatives for Places: Stage Two Paper (February 2009)

- 8.26. The council has recently published its 'Core Strategy – Options and Alternatives for Places: Stage Two Paper' for public consultation. For Mile End, the document notes the area will accommodate residential, working and student communities through the expansion and intensification of the university campus. The draft acknowledges the increased prominence of Queen Mary University as a '*knowledge hub*' with its possible expansion to the southern side of Mile End Road including the application site.
- 8.27. In summary, it is considered that in land use terms the redevelopment of the motor vehicle garage and nightclub by teaching facilities and student accommodation accords with the land use policies of The London Plan, the Sub Regional Development Framework, the Council's UDP and interim planning guidance, together with emerging policy in the Local Development Framework Core Strategy.

Amount of development

- 8.28. The Government's Planning Policy Statement 1: 'Delivering Sustainable Development' 2005 (PPS1) supports making efficient use of land. It advises that this should be achieved through higher density, mixed-use development and returning previously developed land and buildings to beneficial use. This is all as proposed.
- 8.29. The London Plan policies 4B.1 and 3A.3 outline the need for development proposals to achieve the highest possible intensity of use compatible with local context, the design principles of the compact city, and public transport accessibility. Table 3A.2 of The London Plan provides guidelines on residential density in support of policies 4B.1 and 3A.3.
- 8.30. Paragraph 415 of the London Plan advises that for commercial developments to fulfil Policy 3A.3, plot ratios should be maximised. Site densities of at least 3:1 generally should be achieved wherever there is, or will be, good public transport accessibility and capacity. The ability for plot ratios to be maximised at any site or area will depend on local context, including built form, character, plot sizes and existing or potential public transport, utilities and social infrastructure capacity. The Plan advises that these matters should be assessed when individual proposals are submitted but they are to be used as a tool to assess density consistently, not to provide specific numerical targets. The plot ratio of the proposed development is 2.9:1 which is within the range advocated by The London Plan for areas such as this part of Mile End Road with good public transport accessibility.

8.31. Policy CP20 of the council's interim planning guidance 2007 reflects guidance set out in The London Plan and seeks to maximise residential densities on individual sites taking into account local context, site accessibility, housing mix and type, achieving high quality design, 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.

8.32. Policy HSG1 sets out a number of criteria which should be taken into account when determining the appropriate residential density for a site. The following matters are relevant to this application:

- *The density range appropriate for the setting of the site, in accordance with Planning Standard 4: Tower Hamlets Density Matrix;*
- *The local context and character;*
- *The need to protect and enhance amenity;*
- *The need to incorporate good design principles;*
- *Access to a town centre (particularly major or district centres);*
- *The provision of adequate open space, including private and communal amenity space and public open space;*
- *The impact on the provision of services and infrastructure, including the cumulative impact; and*
- *The provision of other (non-residential) uses on a site.*

8.33. Table 3A.2 of the London Plan and Planning Standard 4: Tower Hamlets Density Matrix provide a residential density range of 200 – 700 habitable rooms per hectare for “Urban” sites with a PTAL range 4-6. The proposed density of the special needs housing is 1,372 habitable rooms per hectare which exceeds the guidance. As a matter of principle it is questionable whether it is appropriate to apply a residential density calculation to student housing in the same way as a general purpose housing scheme. It is considered that the determining factor is the resultant design and compatibility with local context. Subject to the design matters outlined in policy HSG1 (above) being satisfactory, the density proposed is considered acceptable for a site along a main arterial route. Such matters are considered below.

Urban design, effect on the character and appearance of the Regent's Canal and Clinton Road Conservation Areas and the setting of listed buildings.

8.34. At paragraph 43 of PPS1 the Government advises:

“Good design should contribute positively to making places better for people. 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.”

8.35. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the council in exercising its planning functions, to pay special attention

to the desirability of preserving or enhancing the character or appearance of conservation areas. In PPG15: 'Planning and the historic environment', the Government says this duty should extend to proposals which are outside a conservation area but would affect its setting or views into or out of the area. In this case, the Regent's Canal Conservation Area adjoins to the east and the Clinton Road Conservation Area lies east of the canal on the opposite side of Mile End Road.

- 8.36. Section 66 of the Act places a further duty on the council, in determining whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting of the listed building.
- 8.37. Good design is central to The London Plan and is specifically promoted by the policies contained within Chapter 4B. Policy 4B.1 'Design principles for a compact city' sets out a series of overarching design principles for development in London and seeks to ensure that new development maximises site potential, enhances the public realm, provides a mix of uses, are accessible, legible, sustainable, safe, inspire, delight and respect London's built and natural heritage. Policy 4B.2 seeks to promote world-class high quality design by encouraging contemporary and integrated designs and policy 4B.5 requires development to create an inclusive environment. Policies 4B.9, 4B.10, 4B.12 and 4B.14 require tall and large-scale buildings to be of the highest quality with boroughs required to ensure the protection and enhancement of historic assets. In particular, policy 4B.8 states that the Mayor will promote tall buildings where they create attractive landmarks, enhancing London's character, provide a location for economic clusters and can act as a catalyst for regeneration. They should also be acceptable in terms of design and impact on their surroundings. Policy 4B.9 states that tall buildings should be of the highest quality design and in particular:
- Be suited to their wider context in terms of proportion and composition and in terms of their relationship to other buildings, streets, public and open spaces, the waterways, or other townscape elements.
 - Be attractive city elements as viewed from all angles and where appropriate contribute to an interesting skyline, consolidating clusters within that skyline or providing key foci within views.
- 8.38. Tower Hamlets UDP policy DEV1 requires all development proposals to be sensitive to the character of the area in terms of design, bulk, scale and materials, the development capabilities of the site, to provide for disabled people and include proposal for landscaping.
- 8.39. Core Policy CP4 of the council's Core Strategy and Development Control interim planning guidance 2007 refers to 'Good Design' and requires that development should:
- a) *respect its local context, including the character, bulk and scale of the surrounding area;*
 - b) *contribute to the enhancement or creation of local distinctiveness;*
 - c) *incorporate sustainable and inclusive design principles;*

d) protect amenity, including privacy and access to daylight and sunlight;
e) use high quality architecture and landscape design; and
f) assist in creating a well-connected public realm and environments that are easy to navigate.

8.40. Core Policy CP48 of the interim planning guidance and says the council may consider tall buildings outside the Canary Wharf cluster and Aldgate if adequate justification can be made and the proposals:

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; and
e) not create unacceptable impacts on social and physical infrastructure.

8.41. Core Policy CP49 of the interim planning guidance says that the council will protect and enhance the historic environment of the borough including the character and setting of listed buildings, locally listed buildings and conservation areas.

8.42. Development control policy DEV1 of the interim planning guidance 2007 requires development to protect, and where possible improve the amenity of surrounding building occupants and the public realm. Policy DEV2 requires development to take into account and respect the local character and setting of the site including the scale, height, mass, bulk and form of development, to preserve and enhance the historic environment and use appropriate materials. Policy CON2 says that development which would affect the setting of a conservation area will be granted only where it would preserve the special architectural or historic interest of the conservation area.

8.43. At paragraph 2.14 of PPG15, national policy advises that the design of new buildings intended to stand alongside historic buildings needs very careful consideration. In general it is better that old buildings are not set apart but are woven into the fabric of the living and working community. The advice says that this can be done, provided that the new buildings are carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing, and alignment, and use appropriate materials. It is emphasised that this does not mean that new buildings have to copy their older neighbours in detail but together should form a harmonious group.

8.44. The joint English Heritage/CABE Guidance on Tall Buildings provides the following criteria for evaluating tall building proposals.

- Relationships to context;
- Effects on heritage assets;
- Relationship to infrastructure;
- Architectural quality;
- Public Realm and Urban Design benefits;

- Local environmental effects;
- Contribution to site permeability;
- Sustainability.

8.45. The current disused garage and car showroom, with its unattractive use, lengthy, weak street edge, poor front elevation, and overall poor architectural treatment, detract from the quality of the streetscape on Mile End Road. It is considered that this situation would be rectified by the development as proposed. At pre-application stage, the developer considered alternative options, some taller and some lower than the proposal adopted. The proposed scheme is considered well judged at an appropriate urban, rather than suburban, scale, with a layout and massing that responds to its local context on a principal London thoroughfare.



View of proposed development looking east along Mile End Road

8.46. On Mile End Road, the building would be 3-storey at its eastern end (16.6 metres high) rising to the west to 11-storeys (32.2 metres) and would be split into two principal volumes acknowledging the curve in the road at this point and breaking up the long façade. The southern rear elevation would be lower, varying from 11 metres to 32.2 metres high with a 6.8 metre high 2-storey infill between the north and south wings. The building would reclaim the street edge on Mile End Road and provide active ground floor uses with a clear and well defined entrance. This arrangement is strongly supported by the Greater London Authority. The stepped height would result in the highest element being located adjacent to the existing 7-storey building Lindrop House, and the lowest 2 and 3-storey elements at the eastern end adjacent to the residential properties on Grand Walk and Canal Close. It is considered that this arrangement would achieve a successful transition in scale along the site's exceptionally long

frontage to Mile End Road. The site is within an area containing existing medium and large-scale civic buildings forming part of the Queen Mary College campus. In terms of overall scale and form, it is considered that the proposed building would be acceptable within that context, creating a defining feature at the southern end of the campus.

- 8.47. It is not considered that the development would be harmful to the setting of the listed buildings in the vicinity. Mile End Road is a crowded urban street, one of the principal thoroughfares into central London. It has developed organically, from largely open countryside in the 17th century, becoming built up from the late 18th century onwards, particularly after the completion of the Regent's Canal. The listed buildings in the grounds of Queen Mary University date from the late 19th and early 20th centuries. The layout of these buildings, the way they address the street, their size, and the form of the Mile End Road as a series of unfolding vistas along its east-west length, means that the proposed development at Nos. 438-490 would not be harmful to their setting. The development site is additionally some distance to their east, which reinforces this opinion, as it allows for an increase in scale without diminishing the listed buildings and ensuring that their settings are preserved. The setting of the 18th Century historic wall of the cemetery of the Spanish and Portuguese Jewish Congregation, which wraps around the development site at Nos. 331-333 Mile End Road, would also be preserved.



Proposed north elevation facing Mile End Road

- 8.48. The Grade 2 listed Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road, lies east of the Regent's Canal, 117 metres from the application site. The setting of these buildings would be unaffected by the development.

- 8.49. The setting of the locally listed buildings at No. 357 Mile End Road (34 metres north east of the site) and the terrace Nos. 359 to 373 Mile End Road (also east of the canal) is not covered by any specific policy and the impact of the proposals on these buildings is assessed below where impact on the two conservation areas is considered.
- 8.50. The Regent's Canal Conservation Area runs through both a riparian environment formed at this point by Mile End Park but is also part of a wider built up urban environment. The purpose of designating the conservation area (Cabinet 8th October 2008) is to protect the special character of the banks of the Regent's Canal and specific historic canal features such as the locks and the towpath, that are recognised as part of the cherished familiar local scene. The proposed development would have limited impact on the character and appearance of the designated area, as the higher bulk would be set some distance from the canal. The development would be stepped away from the two storey houses on Grand Walk, which provide the immediate setting of the canal at this location. It is not considered that a building visible from the canal at this point would be harmful to either the character or appearance of the conservation area, both of which would be preserved. Indeed, there may be benefits to orientation, way-finding and local distinctiveness by the formation of a suitably designed building forming a 'punctuation point' where Mile End Road crosses the canal.
- 8.51. The character of the Clinton Road Conservation Area is defined by two distinct townscapes. First, Clinton Road is lined by residential terraces of two storeys. Built around the 1870s, the terraces are survivors of the type of dwellinghouses that were cleared to create Mile End Park. Second, in contrast, the Mile End Road frontage is varied, consisting of early 19th century Georgian style terraces between Nos. 359 and 373 Mile End Road. This locally listed terrace, constructed of stock brick, was originally houses. The ground level shop fronts were later integrated, with residential floors remaining above. Within the locally listed terrace is an Italianate building of the mid-late 19th century at No. 373 Mile End Road built of yellow stock brick with stucco dressings and a slate roof. In terms of views and silhouettes, the Guardian Angels Church has the most significant presence in the conservation area. Mostly lying some distance east of the development site, on the opposite side of Mile End Road and separated from the site by the Regent's Canal, it is considered that the character and appearance of the conservation area would be preserved.
- 8.52. It is not considered that the development would cause any visual or environmental harm to Mile End Park. A taller edge to the park could be seen as a distinct advantage in terms of place making and orientation as explained above.
- 8.53. Overall, it is considered that the development would accord with the national, metropolitan, and local planning policies outlined above and result in a building that would respect its context reinstating a badly fragmented townscape.

High Street 2012

- 8.54. Mile End Road is part of the proposed 'High Street 2012' Olympic Boulevard

leading to the Olympic Park. The Vision for High Street 2012 is to:

“Create a world class and thriving ‘High Street’, where there is a balance between pedestrian and road uses, where people and places are connected, where locals, visitors, and tourists want to be, and where there is sense of well being, community, and history.”

8.55. It is considered that the proposed redevelopment would accord with the Vision and objectives for High Street 2012 as follows:

- *To create a high street with shared use, differently paced environments, distinct identity streets, and destinations that is dignified, clean, and attractive.*

(Officer comment: The new building would contribute positively to the objective to create a well used high street. In particular, it would help to form a memorable, distinct, busy destination of character and fit with the intention to provide active landscapes).

- *To create a connected street which supports natural flows, provides a legible streetscape and is safer.*

(Officer comment: The new building would play a significant role in re-establishing a street pattern that has been badly eroded by the former car dealership building and its associated open parking bays. The building would act as a better way-finding asset in connection with the Regent’s Canal and Mile End Park and would provide surveillance of the road. It would also create a healthier, greener street).

- *To celebrate the street through enhancing historic spaces.*

(Officer comment: The new building would provide a much better setting for the People’s Palace and Queen’s building at the Queen Mary University of London campus than the current badly fragmented site occupied mostly by a car dealership buildings and associated parking bays).

Amenity of adjoining premises

Daylight

8.56. Tower Hamlets’ Unitary Development Plan 1998 policy DEV 2 states:

“...all development should seek to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions...”

8.57. The council’s interim planning guidance policy CP4 says the council will ensure development creates buildings and spaces of high quality design. In achieving good design, development should protect amenity, including privacy and access to daylight and sunlight.

- 8.58. Interim planning guidance policy DEV1 states:
- “Development is required to protect, and where possible seek to improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.”*
- 8.59. For further guidance UDP policy DEV1 refers to the BRE Report: ‘*Site layout planning for daylight and sunlight – A guide to good practice.*’ The guidelines contain tests for daylight, sunlight and overshadowing starting with relatively simple trigonometric tests followed by tests which measure the actual amount of daylight striking the face of a window (Vertical Sky Component) and internal Daylight Distribution by plotting the position of a “no sky line” contour within the room being tested.
- 8.60. The Vertical Sky Component is a “spot” measurement of direct daylight availability from an unobstructed sky. The target design standard for low density suburban housing is 27% VSC. It is recognised that in a dense urban environment such as Mile End, existing VSC values may be below 27%. In such circumstances, it is permissible to reduce the existing value of daylight (or sunlight) by a factor of 0.2 (20%) and still satisfy the Guidelines. Reductions beyond that level are deemed to be noticeable.
- 8.61. The VSC tests should be followed by the calculation of internal Daylight Distribution within each of the rooms by plotting the “no sky line” contour. As a check measurement, Average Daylight Factor can also be used.
- 8.62. The neighbouring buildings that fall within the BRE requirements for testing are:
- Nos. 13 to 22 Grand Walk and,
 - Nos. 12 to 20 Canal Close.
- 8.63. The vast majority of the windows in the neighbouring dwellings fully satisfy the BRE VSC tests by either achieving more than 27% VSC or experience a loss in VSC of less than 20%. The windows that do not fully satisfy the BRE standards are at 20 Grand Walk, 21 Grand Walk, 22 Grand Walk, 12 Canal Close and 13 Canal Close. The amount by which these windows exceed the permissible 20% margin is very small with the worst affected window in 22 Grand Walk having a reduction of only 22.75% which is a very marginal failure. Given the urban location, the daylight incident on the face of all the windows in the adjoining development would continue to be very good and considerably better than the majority of comparable properties in the borough.
- 8.64. The results of the Daylight Distribution analysis show that with one exception all habitable rooms of the houses in Grand Walk would comfortably satisfy the BRE Guidelines. The exception is a 1st floor room at 12 Canal Close where there would be a loss of in internal distribution of 23.9%, again a marginal failure.
- 8.65. The results of the “check” Average Daylight Factor (ADF) measurements show

that the internal lighting conditions for all of the rooms will satisfy the ADF standards taken from the BRE Guidelines and the British Standard Code of Practice for Daylighting BS8206.

Sunlight

- 8.66. The BRE sunlight criteria only apply to any window that faces within 90° of due south. The windows in Nos. 12 to 20 Canal Close which have a direct outlook over the site face north-north-west. As they do not face within 90 degrees of due south, they do not fall within the BRE sunlight criteria. The rear facing rooms in Nos. 13-22 Grand Walk face south-west and fall within the BRE testing criteria. All of the rooms in those properties have a least one window that satisfies the BRE sunlight standards.

Overshadowing

- 8.67. The rear gardens of Nos. 16 to 22 Grand Walk fall within the BRE overshadowing criteria which measure the permanent overshadowing of gardens. In view of the western orientation of the gardens, it is evident that the gardens will have unobstructed sunlight from the south in the mid and late afternoon and there would be no additional permanent overshadowing. The rear gardens of Nos. 12 to 20 Canal Close face due south and would be unaffected by the development.

Privacy

- 8.68. The eastern end of the proposed building would be sited 23.5 metre away from the closest house on Grand Walk. The eastern flank wall of the southern wing of the proposed development would only be provided with a single window serving a corridor at 1st and 2nd floor levels. At this location, between the northern and southern wings, the proposed building would provide teaching accommodation at ground and 1st floor levels with windows facing the houses on Grand Walk. To ensure adequate privacy, the minimum separation distance between habitable rooms provided by the Tower Hamlets UDP 1998 is 18 metres. It is considered that the 23.5 metre separation proposed would ensure that the dwellings on Grand Walk would have their privacy adequately maintained.
- 8.69. At the rear of the development, the southern wing of the development would be sited 18 metres away from the dwellings on Canal Close which again complies with the UDP standard. Moreover, to increase the privacy of the adjoining houses, all the rear windows above ground level in the southern wing of the development would be angled to prevent views towards the houses on Canal Close and to also protect the development potential of the Toby Lane Depot.
- 8.70. Adjoining residents have objected due to overlooking from roof terraces. There would be two roof terraces within the development both on the eastern building. One terrace would be on the roof of the 4th floor of the northern wing, the other on the 4th floor roof of the southern wing. To maintain the privacy of the dwellings on Grand Walk and Canal Close, and the development potential of the adjoining Toby Lane Depot, the terraces would be fitted with 1.8 metre high

obscured glass balustrades.

- 8.71. Proposed 'Sky Gardens' would be enclosed amenity spaces at 3rd, 5th and 7th floor levels on the southern part of the western building adjoining the Toby Lane Depot and would have no impact on the houses at Grand Walk, Canal Close and Union Drive.

Access and servicing arrangements

- 8.72. The site has a good level of access to sustainable modes of transport. Mile End Station on the Central and District Lines of the Underground Railway lies 250 metres to the east. Bus routes 25 and 208 serve Mile End Road. There are a further five bus routes serving the Mile End area - Nos. 229, D6, D7, 425 and 277. The site has a Public Transport Accessibility Level of between 5 and 6a.
- 8.73. The development would be beneficial to conditions on the local highway network as a net reduction of 48 and 54 two-way vehicular trips is forecast in the AM and PM peak hours respectively. The proposals also include the removal of three vehicle crossovers on to Mile End Road which would reduce in potential road user conflict. The overall effect of the development on the surrounding highway infrastructure has been assessed with the conclusion that there would be a minor improvement in conditions.
- 8.74. Given the good level of access to sustainable modes of transport, only two car parking spaces for disabled people are proposed and the developer has agreed that the scheme should be designated 'car-free' with users of the building (other than disabled people) prohibited from purchasing on-street parking permits from the borough.
- 8.75. Cycle parking would be provided at 1 per two units of student housing in accordance with standards. There would be visitor bicycle stands adjacent to the main entrance points on Mile End Road.
- 8.76. Servicing for the teaching and cafe uses would be from the existing loading bay on the north east corner of the development on Mile End Road. The student accommodation would be serviced at the south west corner of the development from Toby Lane via the existing access that served the Fountain public house. This would be limited to bi-weekly waste collections. There would be just two parking spaces for disabled people at this location, together with three motor cycle spaces and a space for a contractors light goods vehicle to allow for the inspection, maintenance, and repair of the mechanical, electrical and fire safety apparatus within the building. Traffic generation onto Toby Lane, which carries traffic to the Council's Toby Lane Depot, would therefore be low.
- 8.77. Transport for London and the council's Traffic and Transportation Department raise no objections to the transport arrangements subject to the implementation of travel plans. Overall, access and servicing arrangements are considered satisfactory and policy compliant. The developer has agreed to submit and implement a residential travel plan, a delivery service plan and a construction logistics plan.

Amenity space and landscaping

- 8.78. The proposal would include a comprehensive landscaping scheme around the perimeter of the building, along Mile End Road and along the eastern perimeter of the site. The latter would create a green buffer between the student housing and the neighbouring houses on Grand Walk. As mentioned, there would be two landscaped roof terraces atop the 4th floor roof of the eastern part of the development. Green roofs would be provided wherever possible.
- 8.79. A particular feature of the proposal is 'Sky Gardens' which would provide a series of semi-external spaces for students to use as communal break-out areas. These spaces would be arranged as a stack within the western building and are expressed on the elevation as a double-height design feature. In total, the proposal provides 1,558 sq m of amenity space as follows:
- Roof terraces = 269sq m
 - Sky gardens = 301sq m
 - Ground floor communal gardens = 988sq m
- 8.80. It is considered that the landscaping proposals have the potential to comply with UDP policy DEV12 – 'Landscaping and trees'. The details are not complete and it is recommended that any planning permission is conditioned to require the approval and implementation of a detailed landscaping scheme to include details of the proposed green roofs.

Sustainable development / renewable energy

- 8.81. The design adopts a number of 'passive' design measures, including: a well insulated façade; airtight construction; heat recovery ventilation; thermal mass techniques to reduce heating and cooling requirements; centralised heating and cooling; energy efficient lighting; and low (hot) water shower heads and taps. The energy supply would consist of communal combined heat and power (CHP) to provide the electrical and heating base load for the development. Communal heating and hot water would be provided for the whole development with a Ground Source Heat Pump system to provide heating and cooling in conjunction with the CHP unit.
- 8.82. The development would provide an overall reduction in CO2 emissions of 37% when compared with a comparable baseline building and the Greater London Authority and the council's Energy Officer are content that the proposed energy strategy complies with policies 4A.1 to 4A.9 of The London Plan, policies CP38, DEV5 to DEV9 of the council's interim planning guidance and national advice in PPS22: 'Renewable Energy'. Conditions are recommended to ensure the submitted details are implemented.

Air Quality

- 8.83. London Plan policy 4A.19 and policy DEV11 of the council's interim planning guidance require the potential impact of a development on air quality to be considered. Interim planning guidance policy DEV12 requires that air and dust management is considered during demolition and construction work.

- 8.84. The application is accompanied by an Air Quality Assessment which concludes that the impact of the development itself on local air quality is unlikely to be significant. The potential effects of dust generated during the construction phase of the development have been assessed qualitatively. The qualitative assessment shows that although dust is expected to occur from site activities, but this would have no more than a short-term moderate impact on the surrounding environment. This impact can be reduced by the use of appropriate mitigation measures, including the implementation of a Construction Management Plan as recommended, which would ensure that dust suppression measures are implemented.
- 8.85. There are no industrial processes proposed that would have a significant impact on air quality or give rise to odours at the site. The development itself will not give rise to any measurable deterioration in air quality and being virtually 'car-free' would ensure that the scheme would not have any adverse impacts on air quality. It is therefore concluded that, provided suitable mitigation measures are employed during construction, the development would comply with relevant air quality policies.

Planning obligations

- 8.86. Planning obligations can be used in three ways:-
- (i) 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) To require a contribution to compensate against loss or damage that will result from a development. For example, loss of open space;
 - (iii) To mitigate the impact of a development. For example, through increased public transport provision.
- 8.87. Planning obligations should only be sought where they meet the 5 key tests outlined by the Secretary of State in Circular 05/2005. Obligations 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.
- 8.88. Policy DEV 4 of the Tower Hamlets UDP 1998 and policy IMP1 of the council's interim planning guidance 2007 state that the council will seek planning obligations to secure on-site or off-site provisions or financial contributions to mitigate the impacts of a development. Paragraph 3.42 of The London Plan advises that where a housing development is solely for student housing, it would not be appropriate for the borough to seek social rent or intermediate housing provision through a planning obligation.

8.89. The applicant has agreed to the following matters being included in a section 106 agreement to ensure the mitigation of the proposed development.

1. In perpetuity, no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.
2. A financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project as follows:

Works to the footway between Harford Street and Grand Walk.	£245,000
Re- landscaping the public open space to the east of the development.	£200,000
Enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal.	£155,000
Accent lighting to "heritage" buildings at the end of Grove Road.	£20,000

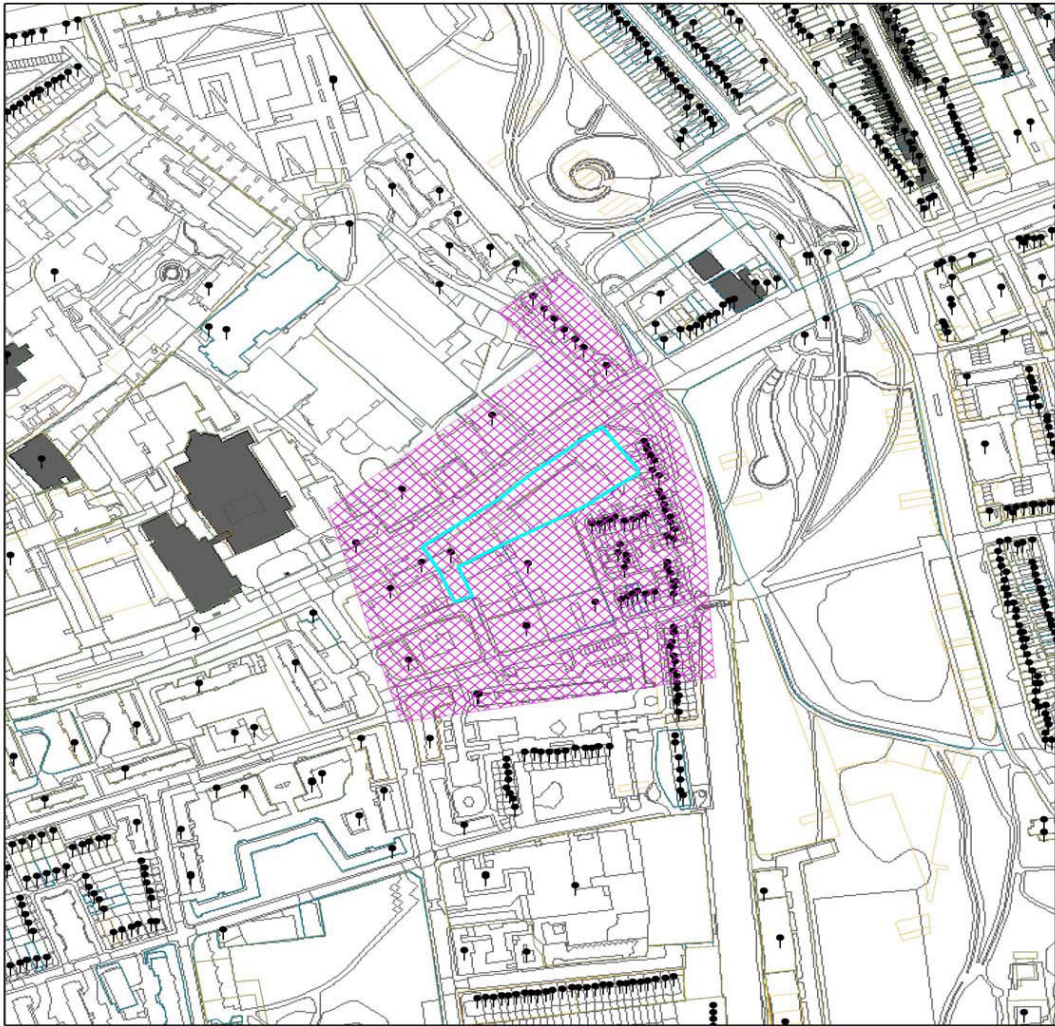
3. A £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
4. A contribution of £100,000 towards local community education initiatives and cultural facilities.
5. A contribution of £20,000 towards local employment and training initiatives (Fastlane).
6. Arrangements that provide for the teaching facility within the development to be made accessible to the local community for up to 20 hours a month.
7. Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
8. The submission and implementation of a Travel Plan comprising a Workplace and Residential Travel Plan, a Service Management Plan and a Construction Logistics & Management Plan.
9. To participate in the Council's Access to Employment and / or Skillsmatch programmes.
10. To participate in the Considerate Contractor Protocol.

8.90. In accordance with UDP policy DEV 4 of and policy IMP1 of the interim planning guidance, it is considered that the inclusion of the above matters in a section 106 agreement, together with the recommended conditions, would mitigate the impacts of the development and comply with national advice in Circular 05/2005.

9. CONCLUSION

9.1. All 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 decisions are set out in the RECOMMENDATIONS 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

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